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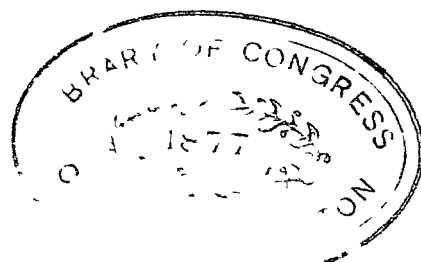
OF THE

HOUSE OF REPRESENTATIVES

OF THE

TWELFTH LEGISLATURE.

ADJOURNED SESSION—1871.



AUSTIN:

PRINTED BY J. G. TRACY, STATE PRINTER.
1871.

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES.

HOUSE OF REPRESENTATIVES, {
AUSTIN, TEXAS, September 12, 1871. }

At 12 o'clock M. the House met pursuant to the following concurrent resolution, viz: House concurrent resolution No. 9, "directing the Speaker of the House and the President of the Senate to declare a recess of their respective bodies at twelve o'clock noon Wednesday, May 31, 1871, until Tuesday, the twelfth day of September, 1871."

Speaker Sinclair in the chair.

Roll called, and the following named members answered to their names:

Mr. Speaker, Abbott of Hill, H. R. Allen, Austin, Booty, Burley, Butler, Camp, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Evans, Gardiner, Gaston, Grothaus, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller.

Quorum present.

Prayer by the Chaplain.

Journal of May 31 read and adopted.

The Speaker announced that the office of Chief Clerk was vacant, Mr. Ed. N. Ketchum having tendered his resignation to him verbally in Galveston.

Mr. Morris moved that the House proceed to the election of a Chief Clerk. Carried.

Mr. Morrison nominated Mr. Gallant.

Mr. Camp nominated Mr. Slaughter.

Mr. J. F. McKee nominated Mr. Hutchins.

Mr. Burley nominated Mr. Ochiltree.

Mr. Robertson nominated Mr. Lee Chalmers.

On motion of Mr. Sheriff the nominations were closed.

On motion of Mr. Slaughter three tellers were appointed.

The Speaker appointed Messrs. Slaughter, Patton and J. O. Abbott tellers.

FIRST BALLOT.

Gallant.....	22
Slaughter	14
Chalmers	14
Hutchins	6
Ochiltree	5
Scattering votes.....	2

No candidate having received a majority of all the votes cast the House proceeded to a second ballot.

Mr. Burley withdrew the name of Mr. Ochiltree.

SECOND BALLOT.

Gallant.....	29
Slaughter.....	13
Chalmers.....	18
Hutchins ...	1
Scattering votes.....	2

No candidate having received a majority of all the votes cast the House proceeded to a third ballot.

Mr. J. F. McKee withdrew the name of Mr. Hutchins.

THIRD BALLOT.

Gallant.....	32
Slaughter.....	10
Chalmers ..	18
Scattering votes.....	4

No candidate having received a majority of all the votes cast the House proceeded to a fourth ballot.

Mr. Camp withdrew the name of Mr. Slaughter.

FOURTH BALLOT.

Gallant.....	40
Chalmers	19
Scattering votes	7

Mr. Gallant having received a majority of all the votes cast, was duly declared Chief Clerk of the House of Representatives of the Twelfth Legislature.

The Speaker laid before the House the following communications:

AUSTIN, TEXAS, May 31, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: I respectfully tender my resignation as Engrossing Clerk of the House of Representatives.

Your obedient servant,

WM. ROB. MAXWELL.

AUSTIN, TEXAS, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: I have the honor to tender my resignation as First Assistant Clerk of the House of Representatives of the Twelfth Legislature, other duties requiring my undivided attention.

I am, very respectfully, your obedient servant,

E. C. BARTHOLOMEW,

First Assistant Clerk House Representatives, Texas.

The Speaker, under authority conferred on the tenth day of January, 1871, appointed Mr. W. H. Slaughter First Assistant Clerk of the House.

On motion of Mr. Butler the House, at 1 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, September 13, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent—Abbott of Austin, Bonner, Butler, Cole, Franks, Hawkins, Lorange, Manning, Plumley, Posey, Prissick, Robinson, Shoemaker, Van Noy, York.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

Mr. L. J. Gallant was then duly qualified Chief Clerk according to law.

On motion of Mr. Jenkins, Mr. Posey was indefinitely excused.

On motion of Mr. Gardiner, Mr. Franks was indefinitely excused on account of sickness.

On motion of Mr. Lane, Mr. Weaver was indefinitely excused on account of sickness.

Mr. Patton, as a matter of privilege, offered the following resolution:

WHEREAS, An All-Wise Providence has removed from our midst another member of this body, the Hon. Shep. Mullens, of Waco, who departed this life on the sixth day of August, 1871; therefore, be it

Resolved, That a committee of five be appointed to prepare resolutions expressive of the profound sorrow for the death of our esteemed co-laborer, and that as a tribute of respect to the memory of the deceased, this House now adjourn until to-morrow morning at 10 o'clock.

Resolution read first and second times, and on motion of Mr. Richard Allen it was unanimously adopted.

In accordance with the resolution, the Speaker appointed Messrs. Patton, Gardiner, Richard Allen, Henry Moore and Smyth, as the committee, and declared the House adjourned until 10 o'clock to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, September 14, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Cole, Prissick, Robinson and York.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

The Speaker announced the following changes in Standing Committees of the House:

STATE AFFAIRS.

Butler, Chairman,	Tegener,
Cox,	Dupree,
Johnson,	Robb,
McKee, J. F.,	Gaston.

FINANCE.

Johnson, Chairman,	Young,
Zoeller,	Booty,
Abbott, C. L.,	Abbott, Jo.,
Allen, R.,	Austin.
George,	

EDUCATION.

Schutze, Chairman,
Plumley,
Youngkin,
Gardiner,
Burley,
Pierson,

Evans,
Cole,
Ellis,
Smyth,
Robb.

COMMERCE AND MANUFACTURES.

Grothaus, Chairman,
Abbott, C. L.,
Patton,
Franks,
Moore, Henry,

Allen, R.,
Simmons,
Weaver,
Posey.

IMMIGRATION.

Slaughter, Chairman,
Prissick,
Johnson,
Haswell,
Schlickum,
Allen, H. R.,

Moore, R. L.,
Stirman,
Gaston,
Austin,
Chambers.

FEDERAL RELATIONS.

Tegener, Chairman,
Schlotman,
Pierson,
Medlock,
Lyons,

Van Noy,
Ross,
Hawkins,
Miller.

AGRICULTURE AND STOCK RAISING.

Locke, Chairman,
Evans,
York,
Shoemaker,
Manning,

Spencer,
Cotton,
Leonard,
Kyle,
Self.

HOUSE JOURNAL.

COUNTIES AND COUNTY BOUNDARIES.

George, Chairman,
York,
Stockbridge,
Kendall,
Shelburne,

Bonner,
Moore, R. L.,
McLean,
Smyth.

PENITENTIARY.

Williams, R., Chairman,
Lorance,
Cox,
Sheriff,
Weaver,

Dorris,
Mitchell,
Lane,
Simmons.

MILITIA.

Morrison, Chairman,
Zoeller,
Schutze,
Butler,
McKee, J. R.,

Moore, Henry,
Evans,
Lane,
Jenkins.

INDIAN AFFAIRS.

Zoeller, Chairman,
Tegener,
Cox,
Schlickum,
Kyle,

Prissick,
Davis,
Smyth,
Self.

TOWN AND CITY CORPORATIONS.

Robinson, Chairman,
Franks,
Locke,
Allen, H. R.,
Shelburne,

Young,
Burley,
Robertson,
Booty.

ROADS, BRIDGES AND FERRIES.

Allen, Richard, Chairman,
Manning,
Schlotman,
Gardiner,
Austin,

Hamilton,
Bonner,
Stirman,
Lacy.

CLAIMS AND ACCOUNTS.

Gardiner, Chairman,
Abbott, C. L.,
Robinson,
Stockbridge,
Harn,

Van Noy,
Weaver,
McKee, J. R.,
Abbott, Jo.

PUBLIC DEBT.

Tinsley, Chairman,
Morris,
Plumley,
Haswell,
Dorris,

Patton,
Hawkins,
Miller,
Leonard.

TO EXAMINE COMPTROLLER'S AND TREASURER'S OFFICES.

Morris, Chairman,
Lorance,
Camp,
Williams, B. F.,

Spencer,
Lyons,
Booty.

PRIVILEGES AND ELECTIONS.

Harn, Chairman,
George,
Locke,
Morrison,
Schutze,
Tinsley,

Cotton,
Robertson,
Cole,
Kyle,
Ellis.

PRINTING AND CONTINGENT EXPENSES.

Youngkin, Chairman,
Davis,
Allen, H. R.,
Hamilton,
Zapp,

Williams, B. F.,
Chambers,
Stirman,
Robb.

PUBLIC BUILDINGS AND GROUNDS.

Shoemaker, Chairman,
Patton,
Tinsley,
Kendall,
Youngkin,

Dupree,
Gaston,
Ross,
Simmons.

PRIVATE LAND CLAIMS.

McKee, J. F., Chairman,
Pierson,
Slaughter,
Davis,
Schlickum,

Williams, R.,
Abbott, Jo.,
Jenkins,
Lacy.

ENGROSSED BILLS.

Stockbridge, Chairman,
McKee,
Robinson,

Ellis,
Shelburne.

ENROLLED BILLS.

Haswell, Chairman,
Grothaus,
Ross,

Shoemaker,
Posey.

Also, announced that under the authority conferred on him on the tenth day of January, 1871, he had appointed Mr. H. C. Surghnor Engrossing Clerk of the House.

On motion of Mr. Camp, Mr. Lorance was indefinitely excused from yesterday, on account of sickness.

On motion of Mr. Lane, Mr. Shelburne was indefinitely excused.

On motion of Mr. Jo. Abbott, Mr. Hawkins was excused for non-attendance on the twelfth and thirteenth inst.

On motion of Mr. Morrison, Mr. R. Allen was excused for non-attendance on the twelfth inst.

On motion of Mr. Smyth, Mr. Chambers was excused for non-attendance on the twelfth inst.

On motion of Mr. Burley, Mr. Plumley was excused for non-attendance on the twelfth inst.

On motion of Mr. Robb, Mr. George was excused for non-attendance on the twelfth inst.

On motion of Mr. Robb, Mr. Bonner was excused for non-attendance on the twelfth and thirteenth inst.

On motion of Mr. Lane, Mr. Self was excused for non-attendance on the twelfth inst.

On motion of Mr. Leonard, Mr. Shelburne was excused for non-attendance on the twelfth and thirteenth inst.

On motion of Mr. Patton, Mr. Shoemaker was excused for non-attendance on the twelfth and thirteenth inst.

Mr. Haswell moved that J. P. Nixon be permitted to withdraw from the files of the House the affidavit of G. W. Sinks, in House bill No. 165. Carried.

Mr. Patton, chairman of select committee to draft resolutions relative to the death of the late Hon. Shep. Mullens, submitted the following report:

COMMITTEE ROOM,
September 13, 1870.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee appointed to draft suitable resolutions of respect to the memory of the late Hon. Shep. Mullens, who departed this life, at his residence in Waco, on the morning of August 6, 1871, have, with sorrowing hearts, discharged, as best they could, the melancholy duty assigned them, and beg leave, most respectfully, to submitted the following:

Resolved, That in the death of our esteemed co-laborer and friend this House has lost one of its members, his constituents a most upright, just and faithful and efficient representative, and the State at large a prudent and incorruptible patriot.

Resolved, That whilst it is our duty to bow with submission to every dispensation of Divine Providence, yet this House is most touchingly alive to the calls of sympathy in behalf of the bereaved family of the deceased, and hereby condole with them in their crushing and irreparable loss.

Resolved, That the Clerk be required to transmit to the family of the deceased a copy of these resolutions.

G. W. PATTON,
R. ALLEN,
H. MOORE,
J. G. SMYTH,
CHARLES GARDINER.

The resolutions reported by the select committee read first and second times, and, on motion of Mr. Morris, they were adopted.

On motion of Mr. Pierson, Mr. Van Noy was excused for non-attendance on the 12th and 13th inst.

On motion of Mr. Hawkins, Mr. C. L. Abbott was excused for non-attendance on the 12th and 13th inst.

Mr. Chambers presented a petition from the citizens of Liberty county praying the Legislature to pass a general election law, to be held at some time during the present year, and then adjourn *sine die*, which was read and referred to Committee on Privileges and Elections.

Mr. Miller presented a petition from the citizens of Bell county in regard to the Belton Bridge Company, which was read and referred to the Committee on Roads, Bridges and Ferries.

Mr. McLean introduced a bill (House bill No. 689) to be entitled "An act amendatory to 'an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved March 4, 1871," which was read the first time.

On motion of Mr. McLean the rules were suspended and House bill No. 689 was read a second time.

On motion of Mr. McLean the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 689 ordered to be engrossed and passed to its third reading.

On motion of Mr. McLean the rules were further suspended, and House bill No. 689 was read a third time and passed, and its title agreed to.

Mr. Slaughter introduced a bill (House bill No. 690) to be entitled "An act to repeal an act entitled 'an act to provide for the appointment by the Governor of certain officers to fill vacancies,'" which was read the first time, and, on motion of Mr. Slaughter, the rules were suspended and House bill No. 690 was read a second time and referred to the Committee on Judiciary.

Mr. Slaughter also introduced a bill (House bill No. 691,) to be entitled "An act to repeal an act entitled 'an act regulating public printing,'" which was read the first time.

On motion of Mr. Slaughter the rules were suspended, and House bill No. 691 was read the second time and referred to the Committee on Printing and Contingent Expenses.

Mr. Tegener introduced a bill (House bill No. 692) to be entitled "An act for the relief of Wm. Seeger and E. B. Schields," which was read the first time.

On motion of Mr. Tegener the rules were suspended, and House bill No. 692 was read the second time and referred to the Committee on Private Land Claims.

Mr. Robertson introduced a bill (House bill No. 693) to be entitled "An act regulating the fees of the clerk of the Supreme Court in certain cases," which was read the first time.

On motion of Mr. Robertson the rules were suspended and House bill No. 693 was read the second time and referred to the Committee on Judiciary.

Mr. Robertson also introduced a bill (House bill No. 694) to be entitled "An act to authorize the Supreme Court to appoint a librarian," which was read the first time.

On motion of Mr. Robertson the rules were suspended and House bill No. 694 was read the second time.

On motion of Mr. Robertson the rule requiring all bills on their second reading to be referred to committee, was suspended in this case.

Mr. Morrison moved to strike out section first. Lost.

Mr. Morrison moved to lay the bill on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Harn, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Schlickum, Schlotman, Shoemaker, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, Young, Youngkin, Zoeller—30.

Nays—Messrs. Abbott of Hill, H. R. Allen, Booty, Bonner, Chambers, Ellis, Evans, Gaston, Grothaus, Hamilton, Haswell, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Morris, Moore of Red River, Pierson, Plumley, Robb, Robertson, Ross, Schutze, Self, Sheriff, Simmons, Slaughter, Smyth, Spencer, Stirman, Tinsley, Van Noy, Zapp—39.

So the House refused to lay the bill on the table.

On motion of Mr. Evans, House bill No. 694 was referred to the Committee on Judiciary.

A message was received from the Senate, transmitting Senate bill No. 414, entitled "An act supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,'" which that body had passed, and asked the concurrence of the House therein.

Mr. Stockbridge introduced a bill (House bill No. 695) to be entitled "An act to amend an act entitled 'an act to incorporate the city of Brenham, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city that may be in force by virtue of any existing charter,'" which was read the first time.

On motion of Mr. Stockbridge, the rules were suspended and House bill No. 695 was read the second time and referred to the Committee on Towns and City Corporations.

Mr. J. R. McKee introduced a bill (House bill No. 696) to be entitled "An act to regulate the times of holding courts in the Eleventh Judicial District," which was read the first time.

On motion of Mr. Lane the rules were suspended and House bill No. 696 read a second time.

Mr. Lane moved that the rule requiring all bills on their second reading to be referred to committees, be suspended in this case. Carried.

House bill No. 696 was ordered to be engrossed and passed to its third reading.

Mr. Mitchell introduced a bill (House bill No. 697) to be entitled "An act to incorporate the town of Caldwell, in Burleson county, Texas," which was read the first time.

Mr. Miller introduced a bill (House bill No. 698) to be entitled "An act to amend 'an act entitled an act to incorporate the Belton Bridge Company,' approved April 12, 1871," which was read the first time.

On motion of Mr. Miller the rules were suspended and House bill No. 698 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Grothaus introduced a joint resolution (House joint resolution No. 33) "proposing an amendment to section 28, article 12, State Constitution," which was read the first time.

Mr. Booty offered the following resolution :

Resolved, That the use of this hall be granted to Captain Brain, on Thursday and Friday nights, for the purpose of delivering lectures.

Resolution read first and second times.

Mr. Booty moved the adoption of the resolution, upon which the yeas and nays were called and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Booty, Chambers, Dupree, Ellis, Evans, George, Gaston, Grothaus, Harn, Haswell, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Robb, Robertson, Ross, Schlotman, Schutze, Self, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy—40.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cox, Davis, Dorris, Gardiner, Hamilton, Hawkins, Kendall, Locke, Manning, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Schlickum, Sheriff, Shoemaker, Spencer, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—27.

So the resolution was adopted.

Mr. Lane offered the following resolution :

WHEREAS, There is no probability of much new business being introduced, and much if not all of the matter pending has been canvassed and matured by committees ; therefore,

Resolved, That all clerks for committees, except for the Judiciary, Engrossing, and Enrolling Committees, be now dispensed with, and that Engrossing and Enrolling Committees are hereby authorized to employ sufficient force to keep up their work.

Resolution read first and second times.

Mr. Slaughter moved to refer the resolution to the Committee on Emigration. Lost.

Mr. Lane moved the adoption of the resolution, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Burley, Chambers, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Evans, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee, of Guadalupe, McKee of Fannin, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Pierson, Plumley, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—65.

Nays—Messrs. Camp, Miller, Patton, Schutze, Slaughter—5.
So the resolution was adopted.

Mr. Haswell offered the following resolution:

Resolved, That the House of Representatives hereby cordially tender to the Hon. James F. Casey, United States Collector of Customs, New Orleans, and the Hon. George W. Carter, Speaker of House of Representatives, Louisiana, the courtesies of the House, and invite them to a seat within the bar of same during their sojourn in the city; and that the Chief Clerk furnish them with a copy of this resolution.

Resolution read first and second times.

Mr. Haswell moved the adoption of the resolution, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Evans, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Young, Youngkin, Zoeller—53.

Nays—Messrs. Booty, Chambers, Gaston, Hawkins, Jenkins, Kyle, McLean, Ross, Self, Simmons, Smyth, Spencer—12.

So the resolution was adopted.

Mr. Morris offered the following resolution:

Resolved, That a special committee of three on rules be appointed by the Speaker to revise and make such changes as may be deemed necessary, and submit the same for adoption by a majority vote of the House.

Resolution read first and second time.

Mr. Grothaus moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cox, Dorris, Evans, George, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Robb, Ross, Schlotman, Self, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Tinsley, Young, Zapp, Zoeller—38.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cotton, Davis, Dupree, Ellis, Gardiner, Hamilton, Harn, Haswell, Kendall, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robertson, Schlickum, Schutze, Slaughter, Spencer, Stockbridge, Tegener, Van Noy, Williams of Colorado, Williams of Walker, Youngkin—32.

So the resolution was laid on the table.

Mr. Sheriff offered the following resolution:

Resolved, That the number of pages in this Chamber shall not exceed four.

Resolution read the first and second times.

Mr. Slaughter moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbot of Austin, Allen, Richard, Burley, Camp, Cotton, Dupree, Gardiner, George, Hamilton, Haswell, Kendall, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Moore of Harrison, Patton, Pierson, Plumley, Schutze, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Walker, Youngkin—27.

Nays—Messrs. Abbott of Hill, Allen, H. R., Austin, Booty, Chambers, Cox, Davis, Dorris, Ellis, Evans, Gaston, Grothaus, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Fannin, McLean, Morrison, Moore of Red River, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Williams of Colorado, Young, Zapp, Zoeller—43.

So the House refused to lay the resolution on the table.

Mr. Schutze moved to amend the resolution by adding "and that the services of the Chaplain of the House be hereafter dispensed with."

Mr. Slaughter moved to lay the amendment on the table, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Dorris, Dupree, Gardiner, Haswell, Kendall, Medlock, Morris, Moore of Harrison, Patton, Pierson, Plumley, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Walker, Youngkin—22.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Chambers, Cox, Davis, Ellis, Evans, George, Gaston, Grothaus, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Fannin, McLean, Miller, Mitchell, Morris, n. Moore of Red River, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Williams of Colorado, Young, Zapp, Zoeller—47.

So the House refused to lay the amendment on the table.

Mr. Plumley moved to adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Sheriff moved the adoption of the amendment offered by Mr. Schutze, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cotton, Dupree, Hamilton, Haswell, Kendall, Miller, Mitchell, Moore of Harrison, Schutze, Sheriff, Stockbridge, Tegener, Zoeller—17.

Nays—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cox, Davis, Dorris, Ellis, Evans, Gardiner, George, Gaston, Grothaus, Harn, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Morris, Morrison, Moore of Red River, Patton, Pierson, Plumley, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp—53.

So the House refused to adopt the amendment.

Mr. Schutze moved to adjourn until 9 o'clock A. M. to-morrow. Lost.

Mr. Slaughter moved to adjourn until 10 o'clock A. M. to-morrow.

Mr. Schutze moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. R. Allen, Burley, Camp, Cotton, Dupree, Gardiner, Grothaus, Haswell, Johnson, Kendall, Miller, Mitchell, Moore of Harrison, Pierson, Plumley, Schutze, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Williams of Walker, Youngkin, Zoeller—24.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Chambers, Cox, Davis, Dorris, Ellis, Evans, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Morris, Morrison, Moore of Red River, Patton, Robb,

Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Stirman, Van Noy, Williams of Colorado, Young, Zapp—45.

So the House refused to lay the resolution on the table.

Mr. Locke moved the previous question. Previous question seconded.

The question being, "Shall the main question be now put?" the main question was ordered.

The main question being the adoption of the resolution offered by Mr. Sheriff, the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Chambers, Cox, Davis, Dorris, Ellis, Evans, George, Gaston, Gröthaus, Harn, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Morrison, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Van Noy, Young, Zapp, Zoeller—45.

Nays—Messrs. Richard Allen, Burley, Camp, Cotton, Dupree, Gardiner, Hamilton, Haswell, Kendall, Medlock, Miller, Mitchell, Morris, Moore of Harrison, Patton, Plumley, Schutze, Shoemaker, Slaughter, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, Youngkin—24.

So the resolution was adopted.

Mr. Slaughter offered the following resolution:

Resolved, That the members of this House will not accept any *per diem* for this session.

Resolution read the first time.

On motion of Mr. Richard Allen, the House at 12:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, September 15, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Johnson.

Prayer by the Chaplain.

On motion of Mr. Grothaus the reading of the journal of yesterday was dispensed with.

UNFINISHED BUSINESS.

Viz: The appeal of Messrs. Slaughter and Robertson from decision of Chair, the Chair having decided that a point of order made by Mr. Slaughter, that under a resolution adopted on the 13th day of May, 1871, messages could not be received except when the House was in open session was not well taken.

Mr. Butler moved to lay the appeal on the table, upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Butler, Cotton, Cox, Davis, Dorris, Dupree, George, Grothaus, Hamilton, Haswell, Kendall, Locke, Lorange, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schutze, Shoemaker, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—35.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Ellis, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlotman, Self, Sheriff, Simmons, Slaughter, Smyth, Stirman, Tegener, Van Noy, Zapp—35.

So the House refused to lay the appeal on the table.

Mr. Morris moved a call of the House. Call sustained.

Absent, not excused—Messrs. Harn and Johnson.

On motion of Mr. Dupree, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Robertson moved a suspension of the call. Lost.

Mr. Hawkins moved a suspension of the call, upon which the yeas and nays were called, and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore

of Red River, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Tegener, Van Noy, Zapp—29.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Butler, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Haswell, Kendall, Locke, Lorance, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—45.

So the call was not suspended.

Mr. Morris moved to adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. Bonner, Dupree, Spencer—3.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Burley, Butler, Camp, Chambers, Cotton, Cox, Davis, Dorris, Ellis, Evans, Gardiner, George, Gaston, Grothaus, Hamilton, Haswell, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorance, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—70.

So the House refused to adjourn.

On motion of Mr. Morris the call was suspended.

Mr. Morris moved to lay the appeal of Messrs. Slaughter and Robertson on the table, upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Butler, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, Grothaus, Hamilton, Haswell, Kendall, Locke, Lorance, Manning, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schutze, Shoemaker, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—37.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Ellis, Evans, George, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlotman, Self, Sheriff, Simmons, Slaughter, Smyth, Stirman, Tegener, Van Noy, Zapp—36.

So the appeal was laid on the table.

A message was received from the Senate, announcing that that body had reconsidered the vote by which it passed Senate bill No. 414, entitled "An act supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,'" and requesting the same to be returned.

PETITIONS AND MEMORIALS.

Mr. Booty presented a petition from the citizens of Elysian Fields and vicinity, asking the repeal of "An act to prohibit the sale of intoxicating liquors in said town," which was read and referred to the Committee on Education.

BILLS.

Mr. Miller introduced a bill (House bill No. 699) to be entitled "An act to amend the third section of an act entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870,' approved March 4, 1871," which was read the first time.

On motion of Mr. Miller, the rules were suspended and House bill No. 699 was read the second time.

On motion of Mr. Miller the rule requiring all bills on their second reading to be referred to committees was suspended, and House bill No. 699 ordered to be engrossed and passed to its third reading.

On motion of Mr. Miller the rules were further suspended and House bill No. 699 was read the third time, passed, and its title agreed to.

Mr. Gaston introduced a bill (House bill No. 700) to be entitled "An act to repeal 'an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense,' approved June 24, 1870," which was read the first time.

Mr. Locke moved to reject House bill No. 700, upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty,

Bonner, Chambers, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Robb, Robertson, Ross, Self, Simmons, Slaughter, Smyth, Stirman, Young—29.

So House bill No. 700 was rejected.

Mr. Gaston also introduced a bill (House bill No. 701) to be entitled "An act entitled an act to repeal 'an act to establish a State police, and provide for the regulation of the same,' approved July 1, 1870," which was read the first time.

Mr. Grothaus moved to reject House bill No. 701, upon which the yeas and nays were called, and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schloman, Shutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—43.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Young—27.

So House bill No. 701 was rejected.

Mr. Harn introduced a joint resolution (House joint resolution No. 34) to defray the expenses of printing the reports of all officers who are required to report to the Governor or the Legislature by section five of "An act regulating public printing," which was read the first time.

Mr. Robertson moved to reject House joint resolution No. 34, upon which the yeas and nays were called and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Dorris, Ellis, Evans, George, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlickum, Self, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Tegener, Van Noy, York, Zoeller—40.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dupree, Gardiner, Hamilton, Harn, Haswell, Kendall, Locke, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Sheriff, Stock-

bridge, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp—31.

So House joint resolution No. 34 was rejected.

Mr. Evans moved a reconsideration of the vote just taken.

Mr. Hawkins moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlickum, Self, Simmons, Slaughter, Smyth, Stirman, TeGENER, Van Noy, Zoeller—28.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Chambers, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—42.

So the House refused to lay the motion to reconsider on the table.

Mr. Hawkins moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

The question recurring on the motion to reconsider, the House decided to reconsider.

The question then recurred on the motion to reject the joint resolution, upon which motion the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Ellis, George, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Simmons, Smyth, Stirman, Van Noy, York—31.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, Hamilton, Haswell, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—37.

So the House refused to reject the joint resolution.

On motion of Mr. R. L. Moore, the House, at 12:30 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, Sept. 16, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Prayer by the Chaplain.

On motion of Mr. Grothaus, the reading of the journal of yesterday was dispensed with.

On motion of Mr. McLean, Mr. Robinson was excused for non-attendance on the twelfth, thirteenth and fourteenth instant.

On motion of Mr. Grothaus, Mr. York was excused for non-attendance on the twelfth, thirteenth and fourteenth instant.

On motion of Mr. Booty, Mr. Johnson was excused for non-attendance on yesterday on account of sickness.

The Chair announced the following as the standing Committee on Judiciary:

Franks, Chairman,
Young,
Grothaus,
Prissick,
McLean,

Morrison,
George,
Robertson,
Hawkins.

The Chair laid before the House the following communications:

POSTOFFICE, Austin, Texas, September 15, 1871.

To the Honorable the Speaker of the House of Representatives,
State of Texas, Austin:

SIR: Be pleased to have the enclosed letter from the Hon. First Assistant Postmaster General communicated to the honorable members of the House of Representatives and then returned to me.

I ask liberty to suggest that, if not contrary to rules, the letter be read by the Secretary to the House in session.

Very respectfully,

SWANTE PALM,
Postmaster.

POSTOFFICE DEPARTMENT, APPOINTMENT OFFICE,
Washington, June 16, 1871. }

Postmaster, Austin, Texas:

SIR: Information has been received at this department that you mail at the usual rates for miscellaneous matter, documents, news-

papers, etc., sent by members of the Legislature, with their names written upon the envelopes or the documents.

The law is imperative, that any information other than that in the original print subjects such matter to letter postage, and it has always been the rulings of the department that the name of the sender written on such matter makes it come within the terms of the law, and cannot be allowed.

You should inform the members of the Legislature of the terms of the law in this respect, that they may refrain from its violation, and relieve you from any embarrassment in enforcing such law.

Very respectfully, your obedient servant,

J. W. MARSHALL,
First Ass't P. M. General.

UNFINISHED BUSINESS.

The motion of Mr. Schutze made on the 31st of May, to reconsider the vote by which the House laid on the table House bill No. 579, to be entitled "An act to repeal 'an act to prevent the sale of vinous, spirituous or other intoxicating liquors within one mile of Starrville, in Smith county, and the town of Knoxville, in Cherokee county.'"

The House decided to reconsider.

On reconsideration the House refused to lay House bill No. 579 on the table.

On motion of Mr. Slaughter House bill No. 579 was recommitted to the Committee on Education.

By unanimous consent Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
Saturday, May 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 548, to be entitled "An act to prohibit the sale of intoxicating liquors in the vicinity of Scyene Masonic Male and Female Institute," and find it correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
B. S. SHELburnE,
C. D. HARN.

COMMITTEE ROOM, }
Austin, Sept. 16, 1871. }

Hon. W. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed bills ask leave to report that they have carefully examined House bills Nos. 689, 696 and 699, and find them correctly engrossed.

C. J. STOCKBRIDGE, Chairman.

J. F. McKEE,

H. C. ELLIS.

Reports accepted, and Chief Clerk dispatched to the Senate with House bills Nos. 548, 689, and 699.

PETITIONS AND MEMORIALS.

Mr. Grothaus presented a petition from citizens of Refugio county, protesting against a division of the county, which was read and referred to the Committee on Counties and County Boundaries.

Mr. Ross presented a petition from the citizens of Alvarado, for an amendment to an act prohibiting the sale of intoxicating drinks near the Alvarado High School, which was read and referred to the Committee on Education.

By unanimous consent, Mr. Evans offered the following resolution:

WHEREAS, There is an imperative demand for the exercise of rigid economy in all public expenditures; therefore, be it

Resolved by the House of Representatives, That for the remainder of this session this House will take and pay for no more than ten (10) copies of the DAILY STATE JOURNAL, which shall be paid for at existing rates, and which copies shall contain a full record of the daily proceedings of this House.

Resolution read first and second times.

Mr. Pierson moved to amend by striking out "ten copies," and inserting in lieu thereof "five copies."

Mr. Morris moved to lay the amendment on the table, upon which the yeas and nays were called and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Davis, Gardiner, George, Harn, Haswell, Johnson, Kendall, Locke, Medlock, Morris, Morrison, Moore of Harrison, Patton, Schutze, Shoemaker, Stockbridge, Tinsley—19.

Nays—Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cotton, Cox, Dorris, Dupree, Ellis, Evans, Gaston, Grothaus, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange,

Lyons; Manning, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Mitchell, Moore of Red River, Pierson, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Slaughter, Smyth, Spencer, Stirman, Tegener, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—51.

So the House refused to lay the amendment on the table.

Mr. Slaughter moved to amend the amendment by striking out the words "five copies" and inserting in lieu thereof the words "one copy," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, McLean, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlickum, Self, Simmons, Slaughter, Smyth, Stirman, Tegener—25.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, George, Grothaus, Harn, Haswell, Johnson, Kendall, Leonard, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—47.

So the House refused to adopt the amendment to the amendment.

A message was received from the Senate announcing that that body had passed with amendment House bill No. 320, to be entitled "An act to enforce section twenty-one, article one, of the Constitution."

Mr. Morris moved* to postpone indefinitely the further consideration of the resolution.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cox, Dorris, Ellis, Evans, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Mitchell, Moore of Red River, Pierson, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, York, Young, Zoeller—45.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cotton, Davis, Dupree, Gardiner, George, Harn, Haswell, Johnson, Kendall, Locke, Medlock, Morris, Morrison, Moore of

Harrison, Patton, Plumley, Schutze, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Zapp—28.

So the main question was ordered.

The main question being first on the adoption of the amendment offered by Mr. Pierson, the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Dorris, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Mitchell, Moore of Red River, Pierson, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Young—39.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dupree, Evans, Gardiner, George, Grothaus, Harn, Haswell, Johnson, Kendall, Locke, Manning, Medlock, Miller, Morris, Morrison, Moore of Harrison, Patton, Plumley, Schutze, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—35.

So the amendment was adopted.

The main question then recurring on the adoption of the resolution as amended, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Dorris, Ellis, Evans, George, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Mitchell, Moore of Harrison, Moore of Red River, Pierson, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Williams of Colorado, York, Young, Zoeller—47.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cotton, Cox, Davis, Dupree, Gardiner, Harn, Haswell, Johnson, Kendall, Locke, Medlock, Morris, Morrison, Patton, Plumley, Schutze, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Walker, Youngkin, Zapp—27.

So the resolution as amended was adopted.

Mr. Pierson moved to reconsider the vote just taken, and to lay the motion to reconsider on the table, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Dorris, Ellis, Evans, George, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Manning, McKee of

Guadalupe, McKee of Fannin, McLean, Mitchell, Moore of Harrison, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, York, Young—42.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cotton, Cox, Davis, Dupree, Gardiner, Grothaus, Harn, Haswell, Johnson, Kendall, Locke, Medlock, Miller, Morris, Morrison, Patton, Robinson, Schutze, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—31.

So the motion to reconsider was laid on the table.

On motion of Mr. Slaughter, the rules were suspended to allow him to offer the following resolution :

Resolved, That all subscription by this House to newspapers be and is hereby discontinued, except the subscription to the DAILY STATE JOURNAL.

Resolution read first and second times.

Mr. Morris moved the adoption of the resolution, upon which the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cox, Davis, Dupree, Ellis, Evans, Gardiner, Gaston George, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robb, Robertson, Ross, Schlotman, Self, Sheriff, Slaughter, Smyth, Stirman, Tinsley, Van Noy, Williams of Colorado—45.

Nays—Messrs. Abbott of Austin, R. Allen, Burley, Cotton, Dorris, Grothaus, Harn, Haswell, Johnson, Kendall, Lorange, McLean, Moore of Red River, Pierson, Robinson, Schlickum, Shoemaker, Simmons, Spencer, Stockbridge, Tegener, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—27.

So the resolution was adopted.

Mr. Burley moved a suspension of the rules to take up out of its regular order House bill No. 320, to be entitled, "An act to enforce section twenty-one article one of the Constitution," upon which the yeas and nays were called and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, Grothaus, Harn, Haswell, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—44.

Nays—Abbott of Hill, Austin, Booty, Bonner, Chambers, Ellis, George, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller. Moore of Red River, Robb, Robertson, Ross, Self, Smyth, Stirman, Van Noy, Young—26.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

On motion of Mr. Lane the rules were suspended and House bill No. 696, "An act to regulate the times of holding courts in the eleventh judicial district," was taken up out of its regular order and recommitted to the Committee on Engrassed Bills for correction of the record.

Mr. Morrison moved to adjourn until 10 o'clock A. M. Monday. Lost.

BILLS.

Mr. B. F. Williams introduced a bill (House bill No. 702) to be entitled "An act to legalize and correct certain special laws," which was read the first time.

On motion of Mr. B. F. Williams the rules were suspended and House bill No. 702 was read the second time and referred to the Committee on Judiciary.

Mr. Grothaus introduced a bill (House bill No. 703) to be entitled "An act to repeal an act to authorize county courts to levy a road tax, and to improve roads and bridges, passed August 4, 1870," which was read the first time.

On motion of Mr. Grothaus the rules were suspended and House bill No. 703 read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Grothaus also introduced a bill (House bill No. 704) to be entitled "An act to incorporate the Yorktown Fire Company No. 1," which was read the first time.

On motion of Mr. Grothaus, the rules were suspended, House bill No. 704 read the second time, and referred to the Committee on State Affairs.

Mr. Grothaus also introduced a bill (House bill No. 705) to be entitled "An act to repeal the fifth section of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,'" which was read the first time.

On motion of Mr. Grothaus, the rules were suspended, House bill No. 705 read the second time, and referred to the Committee on Finance.

Mr. Grothaus also introduced a bill (House bill No. 706) to be entitled "An act for the relief of Pedro Hernandez," which was read the first time.

On motion of Mr. Grothaus, the rules were suspended, House bill No. 706 read the second time, and referred to the Committee on Private Land Claims.

Mr. Haswell introduced a bill (House bill No. 707) to be entitled "An act to incorporate the Southwestern Sleeping Car Company," which was read the first time.

On motion of Mr. Haswell, the rules were suspended, House bill No. 707 read the second time, and referred to the Committee on State Affairs.

Mr. Johnson introduced a bill (House bill No. 708) to be entitled "An act making an appropriation for postage stamps," which was read the first time.

Mr. Robertson moved to reject House bill No. 708, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Bonner, Chambers, Cox, Davis, Dupree, Ellis, Gardiner, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, McKee of Fannin, McLean, Morris, Morrison, Moore of Red River, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Shoemaker, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Williams of Colorado, Williams of Walker, Young—43.

Nays—Messrs. H. R. Allen, Richard Allen, Burley, Camp, Cotton, Dorris, Evans, George, Johnson, Kendall, Locke, Lyons, Manning, Medlock, Miller, Mitchell, Patton, Pierson, Plumley, Robinson, Schutze, Sheriff, Slaughter, Stockbridge, Tinsley, York, Youngkin, Zapp, Zoeller—29.

So House bill No. 708 was rejected.

Mr. Johnson also introduced a bill (House bill No. 709) to be entitled "An act amending an act entitled 'an act to incorporate the Bank of Cleburne,'" which was read the first time.

On motion of Mr. Johnson the rules were suspended, House bill No. 709 read the second time, and referred to the Committee on Finance.

Mr. Evans introduced a bill (House bill No. 710) to be entitled "An act to incorporate the Corpus Christi and Rio Grande Railroad Company," which was read the first time.

On motion of Mr. Evans the rules were suspended and House bill No. 710 was read the second time.

On motion of Mr. Evans the rule requiring all bills on their second reading to be referred to committees was suspended in this case.

Mr. R. Allen moved to adjourn until 10 o'clock A. M. Monday. Lost.

House bill No. 710 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Evans the rules were further suspended and House bill No. 710 read the third time, passed, and its title agreed to.

On motion of Mr. Zoeller the House adjourned at 12 M. to meet on Monday at 10 o'clock A. M.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, September 18, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Prayer by the Chaplain.

Journal of Saturday read and adopted.

Mr. Hawkins asked to be relieved from further duty on the Committee on Judiciary.

The House refused to grant the request.

PETITIONS AND MEMORIALS.

Mr. Locke presented a petition from the citizens of Bexar county, asking that the San Antonio Union Club be incorporated. Petition read and referred to the Committee on State Affairs.

Mr. Simmons presented a petition from Reese A. Myers, from Jefferson county. Petition read and referred to Committee on Finance.

Mr. Jo. Abbott presented a petition from the citizens of Hill county, asking "An act to incorporate Peoria High School." Petition read and referred to the Committee on Education.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, offered the following report :

COMMITTEE ROOM, }
Austin, Sept. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House Bill No. 696 and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman.
J. F. McKEE.
H. C. ELLIS.

Report accepted.

On motion of Mr. Lane House bill No. 696, entitled "An act to regulate the times of holding courts in the Eleventh Judicial District," was taken up out of its regular order, read the third time, passed, and its title agreed to.

BILLS.

Mr. Sheriff introduced a bill (House bill No. 711) to be entitled "An act for the relief of persons who have paid a surplus amount of tax on the sale of spirituous liquors," which was read the first time.

On motion of Mr. Sheriff the rules were suspended and House bill No. 711 read second time and referred to the Committee on Finance.

Mr. Robertson introduced a bill (House bill No. 712) to be entitled "An act to validate the acts of deputies of justices of the peace," which was read the first time.

On motion of Mr. Robertson the rules were suspended and House bill No. 712 was read the second time.

Mr. Robertson moved a suspension of the rule requiring all bills on their second reading to be referred to committees. Lost.

House bill No. 712 was referred to the Committee on Judiciary.

Mr. Robertson also introduced a bill (House bill No. 713) to be entitled "An act to incorporate the Buffalo Warehouse and Compress Company," which was read the first time.

On motion of Mr. H. R. Allen the rules were suspended and House bill No. 713 was read the second time and referred to the Committee on Commerce and Manufactures.

Mr. Camp introduced a bill (House bill No. 714) to be entitled "An act to incorporate the St. Marys Institute," which was read the first time.

On motion of Mr. Camp the rules were suspended and House bill No. 714 was read the second time.

Mr. Camp moved a suspension of the rule requiring all bills on their second reading to be referred to committees. Lost.

House bill No. 714 was referred to the Committee on Education.

Mr. Locke introduced a bill (House bill No. 715) to be entitled "An act for the relief of G. H. Noonans," which was read the first time.

On motion of Mr. Camp the rules were suspended and House bill No. 715 was read the second time and referred to the Committee on Claims and Accounts.

Mr. Locke also introduced a bill (House bill No. 716) to be entitled "An act to amend an act entitled 'an act to incorporate the

San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company,' approved May 19, 1871," which was read the first time.

On motion of Mr. Locke the rules were suspended and House bill No. 716 was read the second time and referred to the Committee on Commerce and Manufactures.

Mr. Locke also introduced a bill (House bill No. 717) to be entitled "An act to incorporate the Union Club of the City of San Antonio," which was read the first time.

On motion of Mr. Locke the rules were suspended and House bill No. 717 was read the second time.

On motion of Mr. Locke the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 717 ordered to be engrossed and passed to its third reading.

Mr. Locke moved a further suspension of the rules to place House bill No. 717 upon its third reading and final passage, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Booty, Burley, Camp, Cotton, Cox, Davis, Dorris Dupree, Evans, George, Grothaus, Hamilton, Haswell, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lorange, Manning, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—57.

Nays—Abbot of Hill, Bonner, Chambers, Ellis, Gaston, Hawkins, Kyle, Lyons, Morris, Robb, Smyth, Stirman—12.

So the rules were suspended, four-fifths of the members voting in the affirmative.

House bill No. 717 was then read the third time, passed and its title agreed to.

Mr. Johnson introduced a bill (House bill No. 718) to be entitled "An act making an appropriation for the *per diem* pay of the members, officers and employes of the adjourned session of the Twelfth Legislature," which was read the first time.

On motion of Mr. Johnson the rules were suspended and House bill No. 718 was read the second time and referred to the Committee on Finance.

Mr. York introduced a bill (House bill No. 719) to be entitled "An act for the relief of the estate of Charles Garnet, deceased," which was read the first time.

On motion of Mr. Camp the rules were suspended and House bill No. 719 was read the second time and referred to the Committee on Judiciary.

Mr. Schutze introduced a bill (House bill No. 720) to be entitled "An act for the relief of Reese A. Myers," which was read the first time.

On motion of Mr. Schutze, the rules were suspended and House bill No. 720 was read the second time and referred to the Committee on Finance.

Mr. Smyth introduced a bill (House bill No. 721) to be entitled "An act for the relief of the assignees of John Stenson," which was read the first time.

On motion of Mr. Smyth, the rules were suspended and House bill No. 721 was read the second time and referred to the Committee on Private Land Claims.

Mr. Dorris introduced a bill (House bill No. 722) to be entitled "An act to regulate the assessment and collection of taxes in incorporated towns and cities in the State of Texas," which was read the first time.

On motion of Mr. Dorris, the rules were suspended and House bill No. 722 was read the second time and referred to the Committee on Finance.

Mr. Ross introduced a bill (House bill No. 723) to be entitled "An act to amend 'an act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of the public square in the town of Alvarado, Johnson county,'" which was read the first time.

On motion of Mr. Ross, the rules were suspended and House bill No. 723 was read the second time and referred to the Committee on Education.

Mr. Lane introduced a bill (House bill No. 724) to be entitled "An act authorizing and requiring the surveyor of Dallas county to transcribe certain records of his office and to make a general index of the records," which was read the first time.

On motion of Mr. Lane, the rules were suspended and House bill No. 724 was read the second time and referred to the Committee on Public Lands and Land Office.

Mr. Plumley introduced a bill (House bill No. 725) to be entitled "An act for the regulation of pilots," which was read the first time.

On motion of Mr. Plumley the rules were suspended and House bill No. 725 was read the second time and referred to the Committee on Commerce and Manufactures.

Mr. Ellis introduced a bill (House bill No. 726) to be entitled

"An act to authorize Howard Keys and his associates to construct a toll bridge across Lake Fork of Sabine river," which was read the first time.

On motion of Mr. Ellis the rules were* suspended and House bill No. 726 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Patton introduced a bill (House bill No. 727) to be entitled "An act for the relief of Robert J. Talley, late sheriff, and John Wood, late district clerk of McLennan county, Texas," which was read the first time."

[Mr. Slaughter in the chair.]

On motion of Mr. Patton the rules were suspended and House bill No. 727 was read the second time and referred to the Committee on Finance.

Mr. Sinclair introduced a bill (House bill No. 728) to be entitled "An act to incorporate the Washington Steam Fire Engine Company No. 1, of Galveston," which was read the first time.

On motion of Mr. Sinclair the rules were suspended and House bill No. 728 was read the second time and referred to the Committee on State Affairs.

Mr. Sinclair introduced a bill (House bill No. 729) to be entitled "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,' " which was read the first time.

On motion of Mr. Morrison the rules were suspended and House bill No. 729 was read the second time and referred to the Committee on Finance.

[Speaker Sinclair in the chair.]

Mr. Evans introduced a bill (House bill No. 730) to be entitled "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditure of moneys arising from the same," which was read the first time.

On motion of Mr. Evans the rules were suspended and House bill No. 730 was read the second time and referred to the Committee on Education.

On motion of Mr. Zapp the rules were suspended to allow him to offer the following resolution :

Resolved, That from and after this day the House of Representatives shall hold two sessions every day; one from 9 A. M. to 12 M., the other from half-past 3 to 6 P. M. for the remainder of this session.

Resolution read first and second times.

Mr. Zoeller moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Booty, Bonner, Cotton, Davis, Dupree, Ellis, George, Grothaus, Harn, Haswell, Hawkins, Johnson, Lacy, Lane, Locke, Manning, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Robb, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Tegener, Tinsley, Van Noy, Williams of Colorado, Youngkin, Zoeller—39.

Nays—Messrs. Abbott of Hill, Richard Allen, Camp, Chambers, Cox, Dorris, Evans, Gaston, Hamilton, Jenkins, Kendall, Kyle, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Robertson, Ross, Schlotman, Self, Simmons, Smyth, Stirman, Stockbridge, Williams of Walker, York, Young, Zapp—29.

So the resolution was laid on the table.

On motion of Mr. Jo. Abbott, the rules were suspended to allow him to offer the following resolution :

Resolved, That this House will not consider any bill heretofore or hereafter introduced, except such as are of a general character, unless the same be taken up by a four-fifths vote.

Resolution read the first and second times.

Mr R. Allen moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Doris, Dupree, George, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lyons, Manning, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—46.

Nays—Abbott of Hill, Austin, Booty, Chambers, Ellis, Evans, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLane, Moore of Red Rive, Robb, Robertson, Ross, Self, Simmons, Smyth, Spencer, Stirman—25.

So the resolution was laid on the table.

By unanimous consent, Mr. Harn offered the following resolution :

WHEREAS, Hon. A. P. McCormick, member of the late constitutional convention of Texas, is now in this city,

Resolved, That he be invited to a seat upon the floor of this House ; and the Chief Clerk is hereby instructed to furnish Mr. McCormick with a copy of this resolution.

Resolution was read the first and second times and, on motion of Mr. Camp, was adopted.

A message was received from the Senate by the Secretary, announcing that that body had passed the following House bills :

No. 340, to be entitled "An act to incorporate the Bosque Bridge and Manufacturing Company of McLennan county."

No. 437, to be entitled "An act to incorporate the town of Sulphur Springs, in Hopkins county."

No. 671, "An act to provide for the creating of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization."

House bill No. 671 passed with the following amendments: Amend by striking out in line twenty-one after the words "county of" the word "Rockport," and insert in lieu thereof the word "Aransas."

On motion of Mr. Camp the rules were suspended, and House bill No. 671 taken up out of its regular order.

Mr. Grothaus moved to commit House bill No. 671 to the Committee on Counties and County Boundaries. Lost.

On motion of Mr. Camp the House agreed to the Senate amendments to House bill No. 671.

Mr. Zoeller introduced a bill (House bill No. 731) to be entitled "An act to amend 'an act to encourage stockraising, and for the protection of stockraisers,'" which was read the first time.

On motion of Mr. Zoeller the rules were suspended and House bill No. 731 read the second time and referred to the Committee on Agriculture and Stockraising.

Mr. Zoeller also introduced a bill (House bill No. 732) to be entitled "An act validating certain land certificates," which was read the first time.

On motion of Mr. Zoeller the rules were suspended and House bill No. 732 read the second time and referred to the Committee on Public Lands and Land Office.

Mr. Morris moved that the House adjourn until 10 A. M. to-morrow. Lost.

Mr. Morrison moved a reconsideration of the vote by which the House rejected House bill No. 708, to be entitled "An act making an appropriation for postage stamps."

Mr. Robertson moved to lay the motion to reconsider on the table. Lost.

The question recurring on the motion to reconsider, the House decided to reconsider.

Mr. Hawkins moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

The question then recurred upon the motion to reject House bill No. 708, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Bonner, Chambers, Ellis, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, McKee of Fannin, McLean, Morris, Moore of Red River, Pierson, Robb, Robertson, Self, Smyth, Stirman, Young—27.

Nays—Messrs. Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, George, Grothaus, Hamilton, Haswell, Kendall, Locke, Manning, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Simmons, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

So the House on reconsideration refused to reject House bill No. 708.

On motion of Mr. C. L. Abbott the House, at 12:30 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, Sept. 19, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Cole, Johnson and Prissick.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

PETITIONS AND MEMORIALS.

Mr. York presented a "Petition for the relief of the estate of Charles Garlet, deceased," which was read and referred to the Committee on Judiciary.

Mr. Camp presented a petition for a repeal of "An act incorporating the town of Yorktown," which was read and referred to the Committee on Town and City Corporations.

Mr. Shoemaker presented a petition of John D. Clare, asking to be relieved of peddlers' license tax, which was read and referred to the Committee on Finance.

Mr. Young, Chairman *pro tem.* of the Committee on Judiciary, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 529, to be entitled "An act amendatory of an act entitled 'an act to provide for districting the State of Texas into judicial districts,'" changing the First and Second districts, having had the same under consideration, ask leave to report that inasmuch as they have been informed by the Senator and the Representatives of that district, that the people desire no change, they respectfully recommend that the bill be laid on the table.

Respectfully submitted,

H. W. YOUNG, Chairman *pro tem*.

On motion of Mr. Chambers the report of the committee was adopted, and House bill No. 529 was laid on the table.

Mr. Williams, of Walker, Chairman of the Committee on Penitentiary, submitted the following reports:

COMMITTEE ROOM, }
Austin, Sept. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Penitentiary, to whom was referred House bill No. 51, entitled "An act making an appropriation for improving the Penitentiary at Huntsville, Texas, and for the purchase of machinery therefor," have considered the same, and would respectfully recommend that it be laid on the table.

R. WILLIAMS, Chairman,
A. M. COX,
W. SHERIFF,
A. DORRIS,
JOHN MITCHELL.

On motion of Mr. R. Williams the report of the committee was adopted and House bill No. 51 laid on the table.

COMMITTEE ROOM, }
Austin, Sept. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Penitentiary, to whom was referred House bill No. 560, entitled "An act to authorize the Governor of the State to make arrangements for the reception and confinement of

Federal prisoners in the prisons of the State," have carefully considered the same and would respectfully recommend its passage.

R. WILLIAMS, Chairman,
A. M. COX,
W. SHERIFF,
A. DORRIS,
J. MITCHELL.

And House bill No. 560 was then ordered to be engrossed and passed to its third reading.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following reports :

COMMITTEE ROOM, {
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 717, "An act to incorporate the Union Club of the city of San Antonio," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman.
J. F. MCKEE.

COMMITTEE ROOM, {
Austin, Sept. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 710, "An act to incorporate the Corpus Christi and Rio Grande Railroad Company," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. MCKEE,
H. C. ELLIS,
ROBINSON.

Reports of the committee accepted.

Mr. Schutze, Chairman of the Committee on Education, submitted the following report :

COMMITTEE ROOM, {
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Education, to whom was referred House

bill No. 714, beg leave to report that they have duly considered the same and recommend its passage.

Very respectfully,
 JULIUS SCHUTZE, Chairman,
 GARDINER,
 EVANS,
 PIERSON,
 BURLEY,
 YOUNGKIN.

House bill No. 714, to be entitled "An act to incorporate the St. Mary's Institute," was ordered to be engrossed and passed to its third reading.

On motion of Mr. Camp, the rules were suspended and House bill No. 714 was read the third time, passed and its title agreed to.

BILLS.

Mr. Self introduced a bill (House bill No. 733) to be entitled "An act to incorporate Edom Academy, in Cooke county, Texas," which was read the first time.

On motion of Mr. Self, the rules were suspended and House bill No. 733 was read the second time and referred to the Committee on Education.

Mr. Morrison introduced a bill (Housebill No. 734) to be entitled "An act to make a new apportionment for representative and senatorial districts of the State of Texas," which was read the first time.

Mr. Gardiner moved a suspension of the rules to place House bill No. 734 on its second reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—42.

Nays—Messrs. Austin, Booty, Bonner, Chambers, Evans, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Spencer, Stirman, York, Young—29.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

[Mr. Schutze in the chair.]

Mr. McLean, as a matter of privilege, offered the following resolution :

WHEREAS, William H. Sinclair, a representative elect from the Twelfth Senatorial District of the State of Texas, and duly qualified as such, did, on the twenty-third day of August, A. D. 1870, accept the office of County Treasurer of Galveston county, thereby vacating his said office of representative in the Legislature; therefore,

Resolved, That the seat held by Hon. W. H. Sinclair as a member of this House be and the same is hereby declared vacant.

Resolution read the first and second times.

Mr. Morrison moved to lay the resolution on the table.

Mr. Robertson moved a call of the House. Call sustained.

Absent, not excused—Messrs. Jo. Abbott, H. R. Allen, Cole, Ellis, Johnson, Prissick.

Mr. Grothaus moved a suspension of the call. Lost.

On motion of Mr. R. Allen the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. R. Allen the call of the House was suspended.

The question recurring on the motion of Mr. Morrison to lay the resolution of Mr. McLean on the table, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorance, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—42.

Nays—Messrs. Austin, Booty, Bonner, Camp, Chambers, Dorris, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Robb, Robertson, Ross, Schlotman, Self, Simmons, Slaughter, Smyth, Stirman, Zapp—29.

So the resolution was laid on the table.

[Speaker Sinclair in the chair.]

On motion of Mr. Sheriff, the rules were suspended to allow him to offer the following resolution :

Resolved, That the number of copies of the DAILY STATE JOURNAL

taken by the House of Representatives be increased to ten copies for each member, with the former provisions in relation thereto.

Resolution read the first and second times.

Chief Clerk was dispatched to the Senate with the following House bills: Nos. 696, 710 and 717.

A message was received from the Senate announcing that that body had passed with amendment House bill No. 689, to be entitled "An act amendatory of 'an act entitled an act prescribing the times of holding the district courts in the Seventh Judicial District of the State,' approved March 4, 1871."

Also, House bill No. 548, to be entitled "An act to prohibit the sale of intoxicating liquors in the vicinity of Scyene Masonic Male and Female Institute."

Mr. Evans moved to refer the resolution offered by Mr. Sheriff to the Committee on Printing and Contingent Expenses, with instructions to report to-morrow at 11 o'clock A. M., upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Booty, Camp, Chambers, Davis, Dorris, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Harrison, Moore of Red River, Pierson, Robb, Robertson, Robinson, Ross, Schlotman, Self, Simmons, Smyth, Stirman, Van Noy, York, Young, Zapp, Zoeller—38.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Burley, Cotton, Cox, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Manning, Medlock, Mitchell, Morris, Morrison, Patton, Plumley, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin—31.

So the resolution was referred to the Committee on Printing and Contingent Expenses.

By unanimous consent Mr. Young, chairman *pro tem.* of the Committee on Judiciary, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 719, to be entitled "An act for the relief of the estate

of Charles Garnet, deceased," having duly considered the same, respectfully report it back and recommend its passage.

Very respectfully,

H. W. YOUNG, Chairman *pro tem.*,

F. E. GROTHAUS,

W. P. McLEAN,

J. W. ROBERTSON,

J. D. GEORGE.

House bill No. 719 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus the rules were suspended, House bill No. 719 read the third time, passed, and its title agreed to.

On motion of Mr. McLean the rules were suspended and House bill No. 689 was taken up out of its regular order, and the House, on motion of Mr. Morris, agreed to the following Senate amendment: Strike out the word "Davis" wherever it occurs and insert in lieu thereof the word "Cass"; and the Chief Clerk dispatched to the Senate to inform that body of the action of the House.

Mr. Locke introduced a bill (House bill No. 735) to be entitled "An act supplemental to and amendatory of an act, entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled an act to incorporate the city of San Antonio,' approved July 17, 1856, and an act entitled 'an act to amend the act to incorporate the city of San Antonio, approved February 11, 1860,' approved August 13, 1870," which was read the first time.

On motion of Mr. Locke the rules were suspended, and House bill No. 735 was read the second time and referred to the Committee on Towns and City Corporations.

By unanimous consent, Mr. J. F. McKee, Chairman of the Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 18, 1871. }

Hon. W. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 692, to be entitled "An act for the relief of William Seeger and E. B. Shields," after due consideration beg leave to recommend its passage without amendment.

Respectfully,

J. F. McKEE, Chairman,

FERDINAND SCHLICKUM,

R. WILLIAMS,

W. W. DAVIS,

W. C. PIERSON.

House bill No. 692 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Tegener the rules were suspended and House bill No. 692 was read the third time, passed, and its title agreed to.

Mr. Gardiner introduced a bill (House bill No. 736) to be entitled "An act for the relief of George W. Reynolds," which was read the first time.

Mr. R. Allen moved a suspension of the rules to take up out of its regular order House bill No. 320, to be entitled "An act to enforce section twenty-one, article one, of the Constitution," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cox, Dorris, Dupree, Evans, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorance, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schütze, Sheriff, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—42.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Gaston, Hawkins, Jenkins, Kyle, Lane, Leonard, Lyons McKee of Fannin, McLean, Miller, Moore of Red River, Robertson, Ross, Self, Simmons, Smyth, Stirman, Van Noy, Young—23.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

Mr. Booty introduced a bill (House bill No. 737) to be entitled "An act to establish a ferry across the Sabine river at Manus Bluff, in the county of Panola."

On motion of Mr. Booty the rules were suspended and House bill No. 737 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

On motion of Mr. Tegener the rules were suspended to allow him to offer the following resolution:

Resolved, That the House of Representatives continue the subscription to the German paper *Vorwärts*, as heretofore, provided said paper publish the daily proceedings of the Legislature in the German language.

Resolution read the first and second times.

Mr. Hawkins moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Chambers, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Ross, Self, Smyth, Stirman, Van Noy—20.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen,

Burley, Cotton, Cox, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lyons, Manning, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robertson, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—44.

So the House refused to lay the resolution on the table.

Mr. Chambers moved to refer the resolution to the Committee on Printing and Contingent Expenses. Lost.

Mr. Morris moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put," the main question was ordered.

The main question being on the adoption of the resolution offered by Mr. Tegener, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—44.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Robertson, Ross, Self, Simmons, Smyth, Stirman—21.

So the resolution was adopted.

JOINT RESOLUTIONS.

Mr. Cox introduced a joint resolution (House joint resolution No. 35) "To repeal section forty-six, of article twelve, of the State Constitution, and the adoption of a clause in lieu thereof," which was read the first time.

On motion of Mr. Grothaus, the House, at 12:30 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, September 20, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

Prayer by the Chaplain.

Journal of yesterday read and adopted.

REPORTS OF STANDING COMMITTEES.

Mr. Schutze, Chairman of the Committee on Education, submitted the following report:

COMMITTEE ROOM, }
 Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 730, to be entitled "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State and regulating the expenditures of moneys arising from the same," have carefully considered the same and beg leave to report it back with the recommendation that it do pass.

Very respectfully,

JULIUS SCHUTZE, Chairman,
 EVANS,
 PIERSON,
 ELLIS,
 SMYTH,
 GARDINER,
 YOUNGKIN,
 PLUMLEY,
 BURLEY.

House bill No. 730, to be entitled "An act relative to the assessment and collection of taxes for school purposes, in the several school districts of the State, and regulating the expenditure of moneys arising from the same," was then read.

Mr. Schutze moved to amend section one by striking out "tax authorized by existing laws" and inserting "one per cent. tax authorized by the fifth section of the school law, approved April 24, 1871."

A message was received from the Senate transmitting Senate bills

No. 437, to be entitled "An act to regulate in part the receipt and disbursement of public money," and No. 444, to be entitled "An act to amend an act entitled 'an act to incorporate the city of Corsicana, in Navarro county,' approved May 31, 1871," which the Senate had passed, asking the concurrence of the House therein.

Also, that the Senate had passed with amendment House bill No. 405, to be entitled "An act to amend 'an act prescribing the times of holding the district courts in the several judicial districts of the State,'" Without amendment, House bill No. 78, to be entitled "An act making an appropriation for repairing and improving the State Cemetery."

11 o'CLOCK A. M.

The special order of the day having arrived, viz.: the report of the Committee on Printing and Contingent Expenses on the resolution offered by Mr. Sheriff, yesterday,

Mr. Evans moved to postpone the consideration of the special order until the business now under consideration was disposed of, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Austin, Booty, Chambers, Cole, Ellis, Evans, Gaston, Hawkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Simmons, Smyth, Van Noy, Zapp—32.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Bonner, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, Hamilton, Harn, Haswell, Jenkins, Kendall, Locke, Manning, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—41.

So the House refused to postpone the consideration of the special order.

Mr. Youngkin, Chairman of the Committee on Printing and Contingent Expenses, submitted the following report:

COMMITTEE ROOM, {
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee, to whom was referred the resolution increasing the number of copies of the STATE JOURNAL containing the official proceedings of this body, from five to ten to each mem-

ber of this House, have carefully examined the same and recommend the passage of the same.

YOUNGKIN, Chairman.
J. J. HAMILTON.
ROBERT ZAPP.
H. R. ALLEN.
B. F. WILLIAMS.
W. W. DAVIS.

Dissenting,
T. J. CHAMBERS.

Report was accepted.

Mr. Robertson offered the following amendment :

Resolved further, That any member of this House may subscribe for ten copies of any daily newspaper, or a sufficient number of copies of any tri-weekly or weekly newspaper to be equal to ten daily papers, and that such subscription shall be in lieu of subscription to the STATE JOURNAL, the subscription of the same at the same rate as now allowed the STATE JOURNAL, to be paid out of the appropriation for printing and contingent expenses.

Mr. Robertson moved the adoption of the amendment.

Mr. Burley moved to reject the amendment.

The Chair ruled that the motion to reject was out of order.

Messrs. Slaughter and Dupree appealed from the decision of the Chair.

Mr. Morris moved to lay the appeal on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Bonner, Camp, Chambers, Dorris, Ellis, Evans, Gardiner, Grothaus, Hamilton, Harn, Kendall, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Schlickum, Schlotman, Sheriff, Shoemaker, Smyth, Spencer, Tinsley, Van Noy, Williams of Colorado, York, Young, Youngkin, Zapp, Zoeller—32.

Nays—Messrs. Abbott of Hill, Richard Allen, Booty, Burley, Cole, Cotton, Cox, Davis, Dupree, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Patton, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schutze, Self, Simmons, Slaughter, Stockbridge, Tegener, Williams of Walker—40.

So the House refused to lay the appeal on the table.

Mr. Morrison moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Morrison moved to lay the appeal on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Chambers, Cotton, Dorris, Evans, Grothaus, Hamilton, Harn, Kendall, Lorange, Manning, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Sheriff, Shoemaker, Smyth, Spencer, Stockbridge, Tinsley, Van Noy, York, Young, Youngkin, Zapp, Zoeller—32.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Cole, Cox, Davis, Dupree, Ellis, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Simmons, Slaughter, Tegener, Williams of Colorado, Williams of Walker—36.

So the House refused to lay the appeal on the table.

A message was received from the Senate transmitting Senate bills No. 440, to be entitled "An act to amend the twenty-second section of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," and No. 441, to be entitled "An act to amend the twenty-third section of 'an act prescribing the times of holding district courts in the several judicial districts in the State,' approved August 10, 1870," passed by that body, and asking the concurrence of the House therein.

The question then recurred, "Shall the decision of the Chair stand as the sense of the House?" upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Camp, Chambers, Davis, Dorris, Ellis, Evans, Grothaus, Hamilton, Harn, Kendall, Kyle, Lyons, Manning, Medlock, Mitchell, Morris, Morrison, Patton, Posey, Robb, Robertson, Robinson, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Van Noy, York, Young, Youngkin, Zapp, Zoeller—34.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Cole, Cotton, Dupree, Gardiner, Gaston, Hawkins, Jenkins, Lacy, Lane, Leonard, Locke, Lorange, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Ross, Schutze, Self, Simmons, Slaughter, Tegener, Williams of Colorado, Williams of Walker—33.

So the decision of the Chair was sustained.

The question recurring on the adoption of amendment of Mr. Robertson, Mr. Morris moved a call of the House. Call sustained.

Absent, not excused—Messrs. George, Haswell, Johnson, Prissick and Smyth.

On motion of Mr. Grothaus the call of the House was suspended.

The question then recurring on the adoption of the amendment, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman—27.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, Grothaus, Hamilton, Kendall, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—47.

So the House refused to adopt the amendment.

Mr. McLean moved to amend by adding "*provided*, that any member so desiring can relinquish his subscription and leave the money in the Treasury," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Evans, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Young—36.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley Camp, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, Hamilton, Kendall, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—37.

So the House refused to adopt the amendment.

Mr. Locke moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the resolution, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, Grothaus, Hamilton, Harn, Kendall, Locke, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Schlotman, Schutze, Sheriff, Shoemaker,

Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Self, Simmons, Smyth, Spencer, Stirman, Van Noy—33.

So the resolution was adopted.

Mr. Slaughter moved that the use of the Hall be granted for the use of the Tax Payers Convention, on Friday evening, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Dorris, Ellis, Evans, Gardiner, Gaston, Grothaus, Harn, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robinson, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, York, Young, Zapp, Zoeller—58.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dupree, Hamilton, Manning, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Williams of Colorado, Youngkin—16.

So the use of the Hall was granted.

Mr. Morris moved that the House adjourn. Lost.

[Mr. Schutze in the Chair.]

Mr. Robertson, as a question of privilege, offered the following resolution :

WHEREAS, Hon. W. H. Sinclair, a member of this House from the Twelfth Senatorial District, did, on the twenty-third day of August, A. D. 1871, accept the appointment, and did qualify as County Treasurer of Galveston county; therefore,

Resolved, That the Committee on Privileges and Elections be instructed to inquire into the eligibility of the said W. H. Sinclair to a seat in this House, and that they report without delay.

Resolution read the first and second times.

Mr. Grothaus moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dupree, Gardiner, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schutze, Sheriff, Shoemaker, Stock-

bridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—40.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Dorris, Ellis, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Simmons, Slaughter, Smyth, Stirman, TeGENER—33.

So the resolution was laid on the table.

Mr. Morrison moved to reconsider the vote just taken, and to lay the motion to reconsider on the table, which latter motion prevailed.

On motion of Mr. Burley, the House at 12:30 P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, September 21, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

Prayer by the Chaplain.

On motion of Mr. Gardiner the reading of the journal of yesterday was dispensed with.

As a matter of privilege Mr. Morrison offered the following resolution:

WHEREAS, The question has been raised as to the right of the Hon. W. H. Sinclair to a seat as a member of the House of Representatives; therefore,

Resolved, That the matter be referred to the Committee on Privileges and Elections for investigation and report.

Resolution read the first and second times, and on the motion of Mr. Morris was adopted.

UNFINISHED BUSINESS.

Viz: The amendment offered by Mr. Schutze to House bill No. 730, to be entitled "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditure of moneys arising from the same."

[Mr. Slaughter in the chair.]

Mr. Morris moved to lay House bill No. 730 on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Cotton, Cox, Davis, Dupree, Gardiner, Kendall, Locke, Lyons, Manning, Medlock, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schutze, Shoemaker, Slaughter, Stockbridge, Williams of Walker, Youngkin—25.

Nays—Messrs. Abbott of Hill, Booty, Camp, Chambers, Cole, Dorris, Evans, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Mitchell, Moore of Red River, Pierson, Posey, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Tinsley, Van Noy, Williams of Colorado, York, Young, Zapp—40.

So House bill 730 was not laid on the table.

Mr. C. L. Abbott moved a call of the House. Call not sustained.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being first on the amendment offered by Mr. Schutze, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, Grothaus, Hamilton, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Schutze, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Walker, Youngkin, Zoeller—29.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Williams of Colorado, York, Young, Zapp—39.

So the House refused to adopt the amendment.

The question being then on ordering House bill No. 730 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Cox, Evans, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Young, Zapp, Zoeller—43.

Nays---Messrs. Abbott of Austin, Richard Allen, Cotton, Davis, Dorris, Dupree, Gardiner, Hamilton, Haswell, Kendall, Locke, Lorance, Manning, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Schutze, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin—28.

So House bill No. 730 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Robertson, Mr. George was excused for non-attendance to-day on account of sickness.

REPORTS OF COMMITTEES.

Mr. Grothaus, Chairman of the Committee on Commerce and Manufactures, submitted the following reports:

COMMITTEE ROOM,
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 716, to be entitled "An act to amend an act entitled 'an act to incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company,' approved May 19, 1871," after due consideration, beg leave to recommend the passage of the same without amendment.

Respectfully,

F. E. GROTHAUS, Chairman,
C. L. ABBOTT,
W. T. SIMMONS,
G. W. PATTON,
H. MOORE.

House bill No. 716 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Locke, the rules were suspended and House bill No. 716 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 542, to be entitled "An act to incorpo-

rate the Brazos Navigation Company," after due consideration beg leave to recommend its passage without amendment.

Respectfully,

F. E. GROTHAUS, Chairman,
C. L. ABBOTT,
W. T. SIMMONS,
G. W. PATTON,
H. MOORE.

House bill No. 542 was then read.

On motion of Mr. Jo. Abbott, section five was amended by striking out the word "exclusively."

House bill No. 542 was then ordered to be engrossed and passed to its third reading.

Mr. Robinson, Chairman of the Committee on Town and City Corporations, submitted the following reports :

COMMITTEE ROOM, }
Austin, Sept. 19. 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

I am instructed by your Committee on Town and City Corporations to report that they have considered carefully House bill No. 738, "An act amendatory and supplemental to 'an act to authorize counties, cities and towns to aid in the construction of railroads and works of internal improvement,' approved April 12, 1871," and would respectfully recommend its passage.

W. G. ROBINSON, Chairman.

House bill No. 738 (the bill reported by the committee) was then read the first time.

On motion of Mr. Evans, House bill No. 738 was ordered to be printed and made a special order for Monday next at 11 o'clock. A. M.

COMMITTEE ROOM, }
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations recommend the passage of House bill No. 695, "An act to amend 'an act to incorporate the city of Brenham,' and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter," herewith reported back with the following amendment: Section one, strike out the words, "and change and renew the same at pleasure."

W. G. ROBINSON, Chairman.

The amendment recommended by the Committee on Towns and City Corporations to House bill No. 695, was on motion of Mr. Stockbridge adopted, and House bill No. 695 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Stockbridge the rules were suspended and House bill No. 695 was read the third time, passed and its title agreed to.

[Speaker Sinclair in the chair.]

Mr. R. Allen, Chairman of the Committee on Roads, Bridges and Ferries, submitted the following reports;

COMMITTEE ROOM, }
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred the "Petition of citizens of Bell county in regard to Belton Bridge Company," also, House bill No. 698, to be entitled "An act to be entitled an act to amend an act entitled 'an act to incorporate the Belton Bridge Company,' approved April 12, 1871," after due consideration, beg leave to recommend the passage of the bill without amendment.

Respectfully,

R. ALLEN, Chairman,
J. O. AUSTIN,
MILO MANNING,
C. W. GARDINER,
WM. SCHLOTMAN,
J. J. HAMILTON.

House bill No. 698 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. R. Allen the rules were suspended and House bill No. 698 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 726, to be entitled "An act to authorize Howard Keyes and his associates to construct a toll bridge across Lake Fork of Sabine river," after due consideration, offer the following amendment: That section five shall hereafter read as follows: "Section 5. That no other toll bridge shall be constructed across Lake Fork within three miles above and three miles below said

bridge, and that said bridge shall be completed within two years from and after the passage of this act." With this amendment the passage of the bill is recommended.

Respectfully,

R. ALLEN, Chairman,
J. O. AUSTIN,
MILO MANNING,
C. W. GARDINER,
WM. SCHLOTMAN,
J. J. HAMILTON.

On motion of Mr. R. Allen, the amendment recommended by the committee to House bill No. 726 was adopted, and the bill ordered to be engrossed and passed to its third reading.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM, }
Austin, Sept. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 692, "An act for the relief of William Seeger and E. B. Shields, and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman.
J. F. McKEE.
W. G. ROBINSON.

COMMITTEE ROOM, }
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bills Nos. 714, "An act to incorporate the St. Marys Institute," and 719, "An act for the relief of the estate of Charles Garnet, deceased, and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman.
J. F. McKEE.
ROBINSON.

Reports accepted.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 437, to be entitled "An act to incorporate the town of Sulphur Springs, in Hopkins county," and instruct me to report the same as correctly enrolled.

GEO. T. HASWELL, Chairman.

Report accepted.

Mr. Cox, Chairman of the Committee on State Affairs, submitted the following reports :

COMMITTEE ROOM,
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 728, entitled "An act to incorporate the Washington Fire Engine Company No. 1, of Galveston," have carefully considered the same, and would respectfully recommend its passage.

A. M. COX, Chairman,
J. F. McKEE,
DUPREE,
ROBB,
TEGENER,

House bill No. 728 was then read, ordered to be engrossed and passed to its third reading.

On motion of Mr. Plumley the rules were suspended and House bill No. 728 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 416, entitled "An act for the employment of the poor and establishment of houses of correction," have carefully examined the same, and respectfully report it back with the recommendation that it be laid on the table.

A. M. COX, Chairman,
J. F. McKEE,
ROBB,
TEGENER,
DUPREE.

On motion of Mr. Cox, the report was adopted and House bill No. 416 was laid on the table.

COMMITTEE ROOM,
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House joint resolution No. 18, "Proposing an amendment to article nine of the Constitution of the State of Texas," have carefully considered the same, and would respectfully recommend its passage.

A. M. COX,
J. F. McKEE,
ROBB,
TEGENER,
DUPREE.

House joint resolution No. 18 was then read, and on the question of ordering it to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dupree, Evans, Gardiner*, Grothaus, Hamilton, Haswell, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Miller, Mitchell, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Tegner, Williams of Walker, York, Youngkin, Zapp, Zoeller—32.

Nays—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Davis, Dorris, Gaston, Hawkins, Jenkins, Kyle, Lane, Leonard, Lyons, McKee of Fannin, McLean, Morris, Morrison, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Van Noy, Young—31.

So House joint resolution No. 18 was ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM,
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 342, entitled "An act to incorporate the Texas Mercantile Association, have carefully examined the same, and would respectfully recommend that it be laid on the table.

A. M. COX,
J. F. McKEE,
ROBB,
TEGENER,
DUPREE.

On motion of Mr. Cox the report was adopted and Senate bill No. 342 was laid on the table.

COMMITTEE ROOM, }
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 54, entitled "An act to punish persons who sell intoxicating liquors, ammunition and fire arms to minors," have duly considered the same and respectfully recommend that it be laid on the table on account of its deficiency in form and style.

A. M. COX,
J. F. McKEE,
ROBB,
TEGENER,
DUPREE,

On motion of Mr. Cox the report was adopted and House bill No. 54 laid on the table.

COMMITTEE ROOM, }
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 704, entitled "An act to incorporate the Yorktown Fire Company, No. 1," have duly considered the same, and would respectfully recommend its passage.

A. M. COX,
J. F. McKEE,
ROBB,
DUPREE,
TEGENER.

House bill No. 704 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus the rules were suspended and House bill No. 704 was read the third time, passed, and its title agreed to.

Mr. Schutze, Chairman of the Committee on Education, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 733, "An act to incorporate Edom Academy, in

Cooke county, Texas," have duly examined the same and respectfully recommend its passage.

JULIUS SCHUTZE, Chairman,
PLUMLEY,
BURLEY,
SMYTH,
GARDINER,
YOUNGKIN,
PIERSON,
EVANS.

House bill No. 733 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Schutze, the rules were suspended and House bill No. 733 was read the third time, passed and its title agreed to.

On motion of Mr. Slaughter, the rules were suspended and House bill No. 726, to be entitled "An act to authorize Howard Keys and his associates to construct a toll bridge across lake fork of Sabine river," was taken up out of its regular order and read the third time, passed and its title agreed to.

On motion of Mr. Robertson, the rules were suspended and Senate bill No. 437, to be entitled "An act to regulate in part the receipt and disbursement of public money," was taken up out of its regular order and read the first time.

Mr. Robertson moved a suspension of the rules to put Senate bill No. 437 on its second reading, upon which the yeas and nays were called and resulted as follows :

Yeas—Mr. Speaker, Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Camp, Cole, Dorris, Dupree, Ellis, Gardiner, Grothaus, Hamilton, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, Manning, McKee of Fannin, Medlock, Miller, Mitchell, Morrison, Moore of Red River, Pierson, Plumley, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—60.

Nays—Messrs. Chambers, Cotton, Evans, Gaston, McLean, Morris, Patton—7.

So the rules were suspended, four-fifths of the members present voting in the affirmative.

Senate bill No. 437 was then read the second time and referred to the Committee on Finance.

On motion of Mr. Evans one hundred copies of Senate bill No. 437 were ordered to be printed for the use of the House. .

Mr. Morris moved that the House adjourn. Lost.

On motion of Mr. Pierson the rules were suspended to take up out of its regular order a message from the Senate, requesting the return of Senate bill No. 69, to be entitled "An act supplementary to an act entitled 'an act to provide for the registration of voters,' approved July 11, 1870."

On motion of Mr. Pierson it was ordered to be returned to the Senate.

Mr. Hawkins introduced a bill (House bill No. 739) to be entitled "An act to amend an act entitled 'an act to incorporate the Bank of Texas,' approved March 22, 1871," which was read the first time.

On motion of Mr. Hawkins the rules were suspended and House bill No. 739 read the second time and referred to the Committee on Finance.

Mr. Grothaus introduced a bill (House bill No. 740) to be entitled "An act to amend section three of an act concerning divorce and alimony," which was read the first time.

On motion of Mr. Grothaus the rules were suspended and House bill No. 740 read the second time and referred to the Judiciary Committee.

Mr. Lane introduced a bill (House bill No. 741) to be entitled "An act to incorporate the Dallas and Wichita Railroad Company," which was read the first time.

On motion of Mr. Miller the rules were suspended, House bill No. 741 read the second time and referred to the Committee on Internal Improvements.

Mr. Hamilton introduced a bill (House bill No. 742) to be entitled "An act to incorporate the Richmond Bridge Company," which was read the first time.

On motion of Mr. Hamilton the rules were suspended, House bill No. 742 read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Schutze introduced a bill (House bill No. 743) to be entitled "An act to provide for reducing the number of judicial districts in the State of Texas," which was read the first time.

Mr. Schutze moved a suspension of the rules to put House bill No. 743 on its second reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Booty, Camp, Cole, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Gardiner, Gaston, Grothaus, Hamilton, Kendall, Kyle, Lacy, Locke, Manning, McLean, Medlock, Mitchell, Morris, Moore of Harrison, Patton, Pierson, Plumley, Posey, Robertson, Robinson, Schlickum, Schlot-

man, Schutze, Self, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Young, Zoeller—46.

Nays—Messrs. Abbott of Hill, Austin, Chambers, Evans, Hawkins, Jenkins, Lane, Leonard, Lyons, McKee of Fannin, Miller, Morrison, Moore of Red River, Robb, Ross, Simmons, Smyth, Stirman, Tinsley, Zapp—20.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. Miller introduced a bill (House bill No. 744) to be entitled "An act supplemental to 'an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern branch,' passed August 2, A. D. 1870," which was read the first time.

Mr. R. L. Moore moved a suspension of the rules to put House bill No. 744 on its second reading. Rules not suspended.

Mr. R. L. Moore gave notice that to-morrow he would move the following amendment to the rules: That rule 51 of this House be stricken out, and that section twenty-two of article three of the Constitution be inserted instead, which is as follows: "The doors of each House shall be kept open, except upon a call of either House, and when there is an executive session of the Senate."

Laid over under the rules.

On motion of Mr. Grothaus, the House, at 1 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, September 22, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Bonner, Burley and Prissick.

Prayer by the Chaplain.

On motion of Mr. J. F. McKee, the reading of the journal of yesterday was dispensed with.

The following message was received from his Excellency E. J. Davis, Governor of the State of Texas, by the hands of his Private Secretary:

GOVERNOR'S OFFICE,
Austin, Sept. 22, 1871. }

To the Honorable Senate and House of Representatives of Texas:

GENTLEMEN: I have the honor to enclose a report from the "Auditorial Board," provided for by the act approved May 2, 1871, in

relation to the debt of the State existing at the time the present State government was installed.

The recommendations of the board are worthy of consideration, and I believe they will have the effect, should they be adopted by your body, to place the credit of the State on a much more substantial basis.

Respectfully,

EDMUND J. DAVIS, Governor.

[COPY.]

OFFICE OF THE AUDITORIAL BOARD, }
Austin, Sept. 1, 1871. }

To His Excellency, E. J. DAVIS, Governor, etc.:

SIR: In accordance with "An act to provide for the payment of the public debt of the State of Texas," approved May 2, 1871, we submit the following report:

The total outstanding debt, including interest to the first December, 1867, after excluding every debt created between the twenty-fifth January, 1861, and the fifth August, 1865, we find according to the records to be as follows:

1. Eight per cent. bonds, act of March 20, 1861, issued to S. M. Swenson and others.....	\$17,233 56
2. Eight per cent. bonds, act of April 8, 1861.....	75,797 05
3. Ten per cent. Treasury warrants.....	148,689 84
4. Non-interest warrants.....	78,466 51
5. Wise and Parker county minute companies, called out by Gov. Hamilton in 1865.....	3,925 73
6. Unaudited claims, estimated....	8,323 48
Making a total of.....	<u>\$332,436 17</u>

The Auditorial Board of 1866 audited and allowed of the above as follows:

1. Eight per cent. bonds of March 20, 1861.....	\$4,133 56
2. Eight per cent. bonds of April 8, 1861.....	30,389 88
3. Ten per cent. Treasury warrants.....	72,680 05
4. Non-interest warrants.....	35,047 61
5. Wise and Parker county minute companies.....	3,570 76
6. Unaudited claims.....	3,323 48
Making a total of.....	<u>\$149,145 34</u>

\$125,100 of this amount is now represented by six per cent. bonds issued in 1867, and known as the Throckmorton bonds. \$24,045 '34 is represented by certificates of debt issued by said board.

Upon a careful examination of the transactions of the board of 1866, we have been unable to discover any error in the auditing, taking the Constitution of 1866, and the laws passed in accordance therewith, as being the only guides that board had, with the exception of the sum of \$10,283 13 allowed as interest on the non-interest warrants: This allowance we believe to have been made in error; but it is a question about which persons may honestly differ.

The Fourteenth Amendment to the Constitution of the United States provides that "neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for loss or emancipation of any slave, but all such debts, obligations or claims shall be held illegal and void."

In conformity to this amendment the convention of Texas, of 1866, ordained as follows: "That the Legislature of this State shall have no authority, and are hereby forbidden to assume or make any provision for the payment of any portion of the debts contracted or incurred, or warrants issued by this State from the twenty-eighth of January, 1861, until the fifth day of August, 1865, except warrants issued in payment of services rendered or liabilities incurred before the said twenty-eighth day of January, 1861."

The constitution of 1869 goes a step beyond this and excludes a portion of the debt created before the twenty-eighth of January, 1861, to wit: "All unpaid balances, whether of salary, *per diem* or monthly allowance due to employes of the State, who were in the service thereof on the said twenty-eighth day of January, 1861, civil or military, and who gave their aid, countenance or support to the rebellion then inaugurated against the Government of the United States, or turned their arms against said government, thereby forfeited the sums severally due them." All the "ten per cent. warrants issued for military services, and exchanged during the rebellion at the Treasury for non-interest warrants, are hereby declared to have been fully paid and discharged."

These unpaid balances due on the twenty-eighth of January, 1861, amount to but an insignificant sum. The civil employes were paid monthly; their unpaid balances could therefore only consist of their pay from the first to the twenty-eighth January. The military were confined to a few companies called out by Gov. Houston during the month of January, 1861, and consequently their unpaid balances could only consist of fractions of one month's pay.

\ It is believed that this clause of the Constitution will not exclude over, say, \$10,000. The ten per cent. warrants exchanged at the Treasury during the rebellion, for non-interest warrants, and which non-interest warrants were outstanding on the fifth of August, 1865, amount to \$78,466 51. Making a total of \$88,466 51.

As the Convention of 1866 did not exclude this character of claims, the Auditorial Board of 1866 redeemed about \$40,000 of them, and issued in lieu thereof the six per cent. bonds known as the Throckmorton bonds. It was for the purpose of excluding this \$40,000 that it was made the duty of the present board to examine all claims for money against the State reported on by the board organized under the provisional act of November 9, 1866, and requiring that where any bond or bonds were given in whole or in part for claims void under the Constitution to cancel such bonds and allow only such portion thereof as were found to be valid. Portions of this \$40,000, varying in amounts from \$1 to \$2,000, are found in nearly every claim acted on by the board of 1866, to wit: out of three hundred and ninety-one claims acted on by that board, two hundred and sixty-four of them embrace this character of debt. To carry out the law under which we are acting these two hundred and sixty-four claims would have to be cancelled and be re-audited. In re-auditing the valid portion the interest would have to be paid, according to the tenor, which is ten per cent. The difference between this and the six per cent. the bonds bear, will amount to about \$15,000, which would leave the sum of \$25,000 saved to the State by the repudiating these claims.

The difficulty of carrying out the law does not stop here. The holders of the bonds absolutely refuse to submit them for cancellation, alleging that they were issued in accordance with the Constitution and laws of the State of Texas, of the United States, and that they had paid a valuable consideration for them. They are nearly all in the hands of third parties, purchasers in good faith.

In view of all the circumstances, we respectfully recommend that the action of the Auditorial Board of 1866 be confirmed, and that the Treasurer be instructed to pay the interest on the bonds issued by that board without any further action by this board.

These bonds as before stated, amount to.....	\$125,100 00
The certificates issued by that board, but bearing the same date of interest, amount to.....	24,045 34

Making a total of.....	\$149,145 34
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The bonds fall due on the first of January, 1877. The interest on them is past due since the first of July, 1867.

With the foregoing recommendations carried into effect -
 there will remain outstanding, according to the re-
 cords, the sum of..... \$183,290 83
 Less unpaid balances and non-interest warrants excluded
 by the Constitution..... 48,466 51

Leaving.....\$134,824 32
 To which must be added interest from December 1,
 1867, to January 1, 1872, estimated.....\$ 50,000 00
 Estimated amount due on account of the penitentiary in-
 curred since the rebellion and prior to the inaugura-
 tion of the present State government..... 40,000 00
 Estimated amount of equitable claims outstanding, not
 shown by the records..... 15,000 00

Making a total of.....\$216,641 08

On account of which no premium has been made for the payment
 of the interest.

It is believed that the foregoing statement will cover every valid
 claim created prior to January 28, 1861, not excluded by the Con-
 stitution.

Owing to defects in the law under which we are acting, and the
 strict rulings we felt bound to make in accordance therewith, but
 few claims have been filed for our action.

The total of claims acted upon up to date, and for which certifi-
 cates of debt have issued, amount principal and interest to
 \$16,013 98.

Respectfully submitted,
 WILLIAM ALEXANDER,
 A. BLEDSOE,
 GEORGE W. HONEY.

Attest:

JOHN M. SWISHER, Auditing Clerk.

OFFICE OF THE AUDITORIAL BOARD OF THE }
 STATE OF TEXAS, }
 September 20, 1871. }

To His Excellency E. J. DAVIS,

Governor of the State of Texas:

GOVERNOR: The Auditorial Board, through myself, transmit
 the accompanying report to you, prepared in pursuance to its direc-
 tion by Col. J. M. Swisher, the auditing clerk.

The course recommended to be pursued by the Legislature is

deemed desirable, in order that a foundation for public credit may be established by the State. While the Board is restricted in its action by the limits of the law—and it is most narrowly restricted—the Legislature is not. It can act upon considerations of public policy, which the Board has not the power to entertain, and can make laws not inconsistent with the Constitution which will conform to the dictates of equity.

Sound morals demand that the State should allow and pay interest from the date when due on just claims which have not been and cannot now be paid for want of funds, and that due provision should be made for small claims, chiefly of poor men, for personal services; which, as bonds for less than \$500 cannot be issued, stand upon an unjustly disadvantageous footing under the present law.

Attention is also called to the fact that the presentation of any claims to the Board is purely optionary, claims not presented not being in any wise prejudiced and not being barred.

A recent indisposition, from the effects of which I have not yet recovered, has prevented me from giving in a more extended manner such views of the law touching that portion of the indebtedness of the State, which has been referred to the consideration of the Board, as have presented themselves to me, and I am now only able to submit the foregoing brief suggestions.

I have the honor to be your obedient servant,

WILLIAM ALEXANDER,
Attorney General,

And *ex officio* President of the Auditorial Board.

Laid over under the rules.

On motion of Mr. Evans the rules were suspended and the Governor's message and accompanying documents taken up out of their regular order and referred to the Committee on Finance, with instructions to report by bill or otherwise.

PETITIONS AND MEMORIALS.

Mr. J. F. McKee presented a petition from the citizens of Wilson county for a law establishing uniform rates of toll for mills. Read and referred to Committee on State Affairs.

By unanimous consent Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have examined the following bills, viz: House bill No.

695, entitled "An act to amend 'an act to incorporate the city of Brenham, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter;'" House bill No. 698, entitled "An act to amend an act entitled 'an act to incorporate the Belton Bridge Company,' approved April 12, 1871;" House bill No. 704, entitled "An act to incorporate the Yorktown Fire Company No. 1, of the town of Yorktown, in the county of De Witt;" House bill No. 728, entitled "An act to incorporate the Washington Steam Fire Engine Company No. 1, of Galveston," and House bill No. 730, entitled "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditure of moneys arising from the same," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
H. C. ELLIS.

Report accepted.

On motion of Mr. Plumley, Mr. B. F. Williams was granted leave of absence from Wednesday next, for ten days.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit: House bill No. 671, to be entitled "An act to provide for the creating of two counties out of the territory now embraced within the limits of Refugio county, and to provide for their organization;" and No. 78, "An act making an appropriation for repairing and improving the State Cemetery;" also, No. 689, "An act amendatory of an act entitled 'an act prescribing the times of holding the district courts in the Seventh Judicial District of the State,' approved March 4, 1871;" also, No. 548, "An act to prohibit the sale of intoxicating liquors in the vicinity of Scyene Masonic Male and Female Institute," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman,
F. E. GROTHAUS,
J. W. POSEY.

Report accepted.

Chief Clerk was dispatched to the Senate with House bills Nos. 692, 695, 698, 704, 714, 719, 728 and 437.

Also, returning Senate bill No. 69, as requested by that body, and transmitting for the signature of the President of the Senate, the following enrolled House bills: Nos. 548, 78, 689 and 671.

Mr. Cox, Chairman of the Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin; Sept. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs; to whom was referred House bill No. 707, to be entitled "An act to incorporate the South-western Sleeping Car Company," have carefully examined the same and would respectfully recommend its passage.

A. M. COX, Chairman,
J. F. McKEE,
J. W. JOHNSON,
TEGENER,
DUPREE.

House bill No. 707 was then read.

On motion of Mr. Evans section seven was amended by striking out the word "sole."

Mr. Robertson moved to postpone the further consideration of House bill No. 707, and that it be made the special order for Tuesday at 11 o'clock A. M. Lost.

Mr. Plumley moved to amend section one by inserting the names of Sam. Dodge and W. E. Garland as additional incorporators, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Booty, Camp, Cotton, Cox, Dorris, Evans, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Locke, Lorance, Lyons McKee of Guadalupe, Medlock, Miller, Morrisen, Moore of Harrison, Moore of Red River, Pierson, Plumley, Robinson, Schlickum, Schutze, Self, Sheriff, Simmons, Smyth, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—42.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Chambers, Cole, Dupree, Ellis, Gardiner, Gaston, Grothaus, Lane, Leonard, McKee of Fannin, Mitchell, Morris, Patton, Posey, Robb, Robertson, Ross, Schlotman, Shoemaker, Slaughter, Stirman, Van Noy, Zapp—26.

So the amendment was adopted.

On motion of Mr. Lane the further consideration of House bill No. 707 was postponed, and it was made the special order for Wednesday next at 11 o'clock A. M.

Mr. Locke, Chairman of the Committee on Agriculture and Stockraising, submitted the following reports:

COMMITTEE ROOM,
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stockraising, to whom was referred petition of the citizens of McLennan county, asking special legislation in regard to fences, have carefully considered the same, and respectfully report it back and recommend that it be laid on the table.

W. J. LOCKE, Chairman,
LEONARD,
YORK,
SPENCER,
MANNING,
COTTON,
SHOEMAKER.

On motion of Mr. Grothaus the report was adopted and the petition was laid on the table.

COMMITTEE ROOM,
Austin, Sept. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stockraising, to whom was referred House bill No. 731, have had the same under consideration, and respectfully report the accompanying substitute and recommend its passage.

LOCKE, Chairman,
SHOEMAKER,
LEONARD,
MANNING,
COTTON,
SPENCER,
YORK.

House bill No. 731, to be entitled "An act to amend 'an act to encourage stockraising, and for the protection of stockraisers,'" was then read.

The substitute offered by the committee was then read, and on motion of Mr. Evans was adopted in lieu of the original bill, and House bill No. 731 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Zoeller the rules were suspended and House bill No. 731 was read the third time, passed, and on motion of Mr. Evans the title was amended so as to read as follows: "An act to amend section one (1) of an act entitled 'an act to encourage stock-

raising and for the protection of stockraisers,' approved May 22, 1871."

Mr. Robinson, Chairman of the Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I am directed by your Committee on Town and City Corporations to report back House bill No. 735, "An act supplemental and amendatory of an act entitled an act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled an act to incorporate the city of Antonio, approved July 17, 1856, and an act entitled an act to amend the act to incorporate the city of San Antonio, approved February 11, 1860, approved August 13, 1870," and to recommend its passage.

W. G. ROBINSON, Chairman.

House bill No. 735 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Locke, the rules were suspended and House bill No. 735 read the third time, passed and its title agreed to.

Mr. J. F. McKee, Chairman of the Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 706, to be entitled "An act for the relief of Pedro Hernandez," beg leave to report that they have carefully examined the claim and find it to be one justly and properly entitled to relief; they accordingly recommend the passage of the bill.

Respectfully,

J. F. McKEE, Chairman,
FERDINAND SCHLICKUM,
R. WILLIAMS,
J. C. JENKINS,
GEO. H. SLAUGHTER,
W. C. PIERSON.

House bill No. 706 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus, the rules were suspended and House bill No. 706 was read the third time, passed and its title agreed to.

BILLS.

Mr. Morris introduced a bill (House bill No. 745) to be entitled "An act to incorporate Excelsior College," which was read the first time.

On motion of Mr. Morris, the rules were suspended and House bill No. 745 was read the second time and referred to the Committee on Education.

Mr. Evans introduced a bill (House bill No. 746) to be entitled "An act to incorporate the Texas Land and Immigration Company," which was read the first time.

Mr. Evans moved a suspension of the rules to put House bill No. 746 on its second reading, upon which the yeas and nays were called for and resulted as follows :

Yeas—Mr. Speaker, H. R. Allen, Booty, Camp, Cotton, Cox, Dorris, Evans, Grothaus, Hamilton, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, Manning, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Moore of Harrison, Moore of Red River, Pierson, Plumley, Posey, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, YOUNKIN, Zapp, Zoeller—49.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Austin, Cole, Ellis, Gaston, Haswell, Hawkins, Patton, Robb, Schutze—11.

So the rules were suspended, four-fifths of the members present voting in the affirmative.

House bill No. 746 was then read the second time and referred to the Committee on Immigration.

A message was received from the Senate transmitting the following bills and joint resolution, passed by that body: Senate bill No. 153, to be entitled "An act to amend 'an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 18, 1870;" No. 154, to be entitled "An act to provide for districting the State of Texas into judicial districts, approved July 2, 1870;" No. 448, to be entitled "An act to prescribe the time for the regular annual session of the Legislature for 1872," and Senate joint resolution No. 40, "Leasing certain real estate in the city of Austin, the property of the State of Texas, to certain masonic bodies for the erection of a masonic temple thereon," and asking the concurrence of the House therein.

Mr. Evans also introduced a bill (House bill No. 747) to be entitled "An act to authorize the issuance of State bonds for the

redemption of State warrants when there is no money in the Treasury to pay the same," which was read the first time.

On motion of Mr. Plumley, the rules were suspended and House bill No. 747 was read the second time and referred to the Committee on Finance.

Mr. McKee introduced a bill (House bill No. 748) to be entitled "An act to incorporate the North Texas Collegiate Institute at Bonham," which was read the first time.

On motion of Mr. Lane, the rules were suspended and House bill No. 748 was read the second time and referred to the Committee on Education.

On motion of Mr. Morris, the rules were suspended and Senate joint resolution No. 40 was taken up out of its regular order and read the first time.

Mr. Camp moved a suspension of the rules to put Senate joint resolution No. 40 on its second reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Austin, Camp, Cotton, Cox, Hamilton, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, Medlock, Miller, Mitchell, Morris, Moore of Red River, Patton, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Self, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tinsley, Van Noy, Williams of Walker, York, Youngkin, Zapp—42.

Nays—Messrs. Abbott of Hill, Richard Allen, Booty, Chambers, Cole, Dorris, Dupree, Ellis, Gardiner, Grothaus, Hawkins, Locke, McLean, Moore of Harrison, Ross, Schlickum, Schlotman, Schutze, Slaughter, Tegener, Williams of Colorado, Zoeller—22.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. Gardiner introduced a bill (House bill No. 749) to be entitled "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association of Bryan, Texas," which was read the first time.

On motion of Mr. Gardiner the rules were suspended and House bill No. 749 was read the second time and referred to the Committee on State Affairs.

Mr. Dorris introduced a bill (House bill No. 750) to be entitled "An act to incorporate the town of Lockhart, in Caldwell county," which was read the first time.

On motion of Mr. R. Allen the rules were suspended and House bill No. 750 was read the second time and referred to the Committee on Town and City Corporations.

Mr. R. L. Moore moved a suspension of the rules to take up out

of its regular order Senate bill No. 448, to be entitled "An act to prescribe the time for the regular annual session of the Legislature for eighteen hundred and seventy-two."

Mr. Robertson moved a call of the House. Call sustained.

On motion of Mr. Ross, Mr. Bonner was excused from attendance under the call.

On motion of Mr. Slaughter the call of the House was suspended.

The motion recurring on the motion of Mr. R. L. Moore to suspend the rules to take up Senate bill No. 448, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbot of Hill, Austin, Booty, Chambers, Cole, Evans, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlotman, Self, Simmons, Slaughter, Smyth, Stirman, Young, Zapp—31.

Nays—Messrs. Abbott of Austin, Richard Allen, Camp, Cotton, Cox, Davis, Dorris Dupree, Gardiner, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—40.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

A message was received from the Senate announcing that that body had passed without amendments the following House bills: No. 174., to be entitled "An act to incorporate the Houston Schuetzen Verein;" No. 580, "An act for the relief of R. E. Borden, District Attorney of the Third Judicial District;" No. 699, "An act to amend the third section of an act entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870, approved March 4, 1871;" No 228, "An act to prohibit the sale of intoxicating liquors within certain limits of the High School at Edom, Van Zandt county, Texas;" No. 717, "An act to incorporate the Union Club of the city of San Antonio."

Also, that the President had signed in open session enrolled House bills Nos. 548, 78, 689 and 671.

Mr. R. L. Moore moved the adoption of the following amendment offered by him yesterday: That rule fifty-one of this House be stricken out, and that section twenty-two of article three of the Constitution be inserted instead, which is as follows: "The doors of each House shall be kept open, except upon a call of either House, and when

there is an executive session of the Senate," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Cox, Dorris, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Stirman, Tegener, Van Noy, Young—34.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Davis, Dupree, Ellis, Evans, Gardiner, Grothaus, Hamilton, Harn, Kendall, Locke, Lorance, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlotman, Schutze, Sheriff, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—37.

So the House refused to adopt the amendment, two-thirds of the members present not voting in the affirmative.

Mr. Plumley introduced a bill (House bill No. 751) to be entitled "An act to amend an act approved May 2, 1871, entitled 'an act to amend an act entitled an act to incorporate the Galveston City Railroad Company,' approved October 8, 1866," which was read the first time.

On motion of Mr. Plumley, the rules were suspended and House bill No. 751 was read the second time and referred to the Committee on Internal Improvements.

Mr. McLean moved that the House allow the Convention Taxpayers the use of this hall for to-day and to-morrow.

Mr. Evans moved to amend the motion by adding after the word "to-morrow" the words "afternoon and night."

Mr. Grothaus moved to lay the amendment on the table. Lost.

Mr. Slaughter moved to amend the amendment by inserting the word "every." Lost.

The question recurring on the adoption of the amendment of Mr. Evans, it was adopted.

The question then recurred on the adoption of the motion as amended. It was adopted.

Mr. Youngkin introduced a bill (House bill No. 752) to be entitled "An act to incorporate the San Jacinto Railroad Company," which was read the first time.

Mr. Posey moved that the House adjourn. Lost.

Mr. Grothaus introduced a bill (House bill No. 753) to be entitled "An act to provide for the registration of births, marriages and deaths in this State," which was read the first time.

Mr. R. L. Moore moved that the House adjourn. Lost.

Mr. Robertson introduced a bill (House bill No. 756) to be entitled "An act for the improvement of navigation in the Trinity river," which was read the first time.

Mr. Hawkins moved to adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Slaughter introduced a bill (House bill No. 755) to be entitled "An act to establish a code of civil procedure for the State of Texas."

Mr. Grothaus moved a call of the House. Call sustained.

Absent, not excused—Messrs. C. L. Abbott, H. R. Allen, Bonner, Burley, Davis, Gardiner, Gaston, Johnson, Lyons, Prissick and Young.

On motion of Mr. Schutze the call of the House was suspended.

Mr. Lane moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Ellis, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Simmons, Slaughter, Smyth, Stirman, Tegener, Van Noy, Zoeller—34.

Nays—Messrs. Richard Allen, Cotton, Cox, Dorris, Dupree, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorance, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schutze, Sheriff, Shoemaker, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—33.

So the House at 1 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, Sept. 23, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Bonner and Prissick.

Prayer by the Chaplain.

On motion of Mr. Sheriff the reading of the journal of yesterday was dispensed with.

UNFINISHED BUSINESS.

The consideration of House bill No. 755, to be entitled "An act to establish a code of civil procedure for the State of Texas," on its first reading, the further consideration of which was, on motion of Mr. Morris, postponed until the second Tuesday in January next.

PETITIONS.

Mr. McLean presented the petition of William H. Moore, asking for a pension, which was read and referred to the Committee on Claims and Accounts.

REPORTS OF COMMITTEES.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day presented to his Excellency, the Governor, the following House bills, viz: Nos. 78, 437, 548, 689 and 671, for his approval.

Very respectfully,
GEO. T. HASWELL, Chairman.

Report accepted.

BILLS.

Mr. Camp introduced a bill (House bill No. 756) to be entitled

"An act to organize and maintain a system of free school education," which was read the first time.

On motion of Mr. Camp the rules were suspended and House bill No. 756 was read the second time and referred to the Committee on Education.

Mr. Gardiner introduced a bill (House bill No. 757) to be entitled "An act to establish a ferry across the Brazos river, near the mouth of the Little Brazos river," which was read the first time.

On motion of Mr. Gardiner the rules were suspended and House bill No. 757 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

On motion of Mr. Davis the rules were suspended and Senate bill No. 440, to be entitled "An act to amend the twenty-second section of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," was taken up out of its regular order and read the first time.

On motion of Mr. Harn the rules were further suspended and Senate bill No. 440 was read the second time and referred to the Committee on Judiciary.

Mr. Evans moved a suspension of the rules to take up out of its regular order House joint resolution No. 32, "Proposing an amendment to the Constitution of this State, to be known as article thirteen thereof." Rules not suspended.

Mr. Slaughter introduced a bill (House bill No. 758) to be entitled "An act concerning private corporations."

Mr. Morris moved to postpone the further consideration of the bill until the first Tuesday in January.

Mr. Slaughter raised the point of order, that before the question of postponement could be put, that any member could demand the reading in full of the bill before the House.

The Chair ruled that the point of order was not well taken.

Messrs. Slaughter and Robertson appealed from the decision of the Chair.

Mr. R. Allen moved to lay the appeal on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Ellis, Evans, Gaston, Hawkins, Jenkins,

Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Slaughter, Smyth, Spencer, Stirman, Young--32.

So the appeal was laid on the table.

Mr. Morris, by leave, withdrew the motion to postpone the consideration of House bill No. 758. House bill No. 758 was then read the first time.

[Mr. Morrison in the chair.]

A message was received from the Senate by the Secretary thereof, returning House bill No. 698, to be entitled "An act to amend an act entitled 'an act to incorporate the Belton Bridge Company,' approved April 12, 1871," which had been passed without amendment. Also transmitting for the concurrence of the House, Senate bills No. 455, to be entitled "An act to authorize Mrs. W. E. Weaver, her associates and assigns, to erect a toll bridge across Rock creek, in Hopkins county;" No. 458, to be entitled "An act to amend an act to incorporate the Sabine and Neches Bridge Company," passed May 18, 1871;" No. 462, to be entitled "An act to prohibit the sale of spirituous or intoxicating liquors within two miles of Cedar Grove Masonic Male and Female Institute, Kaufman county;" No. 464, to be entitled "An act to establish a ferry across the Big Brazos river at or near the northwest corner of Robertson county, in the Counties of Robertson and Falls," which had been passed by that body.

[Speaker Sinclair in the chair.]

Mr. Pierson moved a suspension of the rules to take up bills on their third reading. Lost.

The chair laid before the House the following communication :

REPRESENTATIVE HALL, }
Friday, Sept. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I am directed by the Convention of Taxpayers now assembled to enclose to you for the House of Representatives of Texas, a resolution adopted by that body, and request that the same may be laid before your honorable body.

Respectfully,

(Signed)

W M. RUST,
Secretary of Taxpayers' Convention.

Resolved, That the thanks of this Convention be tendered to the House of Representatives for their courtesy in extending to this

Convention the use of their Hall, and ask the further use of the Hall for the future deliberations of the Convention.

A true copy :

WM. M. RUST,
Secretary of Taxpayers' Convention.

Mr. Morrison offered the following resolution :

Resolved, That the Speaker of the House appoint a committee of five to revise the rules of the House; said committee to report as early as possible.

Resolution read the first and second times.

Mr. Zoeller moved the adoption of the resolution, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—43.

Nays—Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Ellis, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLane, Miller, Moore of Red River, Posey, Robb, Robertson, Ross, Self, Simmons, Slaughter, Smyth, Stirman, Young—31.

So the resolution was adopted.

Mr. Robertson offered the following resolution :

Resolved, That the Comptroller of Public Accounts be required to furnish a statement to this House of all accounts audited and paid in pursuance of the act entitled "An act to provide for repairing and making additions to the public buildings, the property of the State, at Austin, Texas," approved August 15, 1870; and that such report contain the items of such accounts.

Resolution read the first and second times, and on motion of Mr. Harn it was adopted.

Mr. Jenkins offered the following resolution :

Resolved, That the Committee on Public Lands and Land Office be and it is hereby instructed to inquire what action may be necessary to permit the settlement or authorize the disposition of sections of public land surveyed for the State, in connection with sections surveyed for railroad companies, by virtue of grants from the State; and the committee shall report to the House by bill or otherwise.

Resolution read the first and second time, and on motion of Mr. Jenkins it was adopted.

Mr. Harn introduced the following resolution :

WHEREAS, Hon. C. C. Caldwell, member of the late Constitutional Convention of Texas is now in this city,

Resolved, That he be invited to a seat upon the floor of this House, and the Chief Clerk is hereby required to furnish Judge Caldwell with a copy of this resolution.

Resolution read the first and second times, and on motion of Mr. Evans it was amended by adding the name of Hon. S. M. Johnson.

On motion of Mr. Slaughter it was amended by adding the name of Judge Cullen.

The question recurring on the adoption of the resolution as amended, it was adopted.

The Speaker announced the following as the Committee on Rules : Messrs. Morrison, Schutze, Plumley, Robertson and Booty.

Mr. Robertson offered the following resolution :

WHEREAS, It has been publicly charged that the moneys collected by James Davidson, Adjutant General and Chief of Police, in the counties of Hill and Walker, while said counties were under martial law, have been misappropriated, misapplied and embezzled by said James Davidson, Adjutant General, etc., therefore

Resolved, That James Davidson, Adjutant General and Chief of Police, be required to furnish this House a statement of the amount of money so collected in said counties, and also a statement in detail of the expenditure and disposition of the same.

Resolved further, That the Comptroller of Public Accounts be required to furnish this House with a statement of the vouchers filed in his office by said James Davidson as his report of expenditure of said moneys.

Resolution read the first and second times.

Mr. Locke moved to amend by striking out the preamble.

Mr. Robinson moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Burley, Camp, Cotton, Dupree, Harn, Locke, Morris, Robinson, York, Youngkin, Zoeller—12.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Chambers, Cole, Cox, Dorris, Ellis, Evans, Gardiner, Gaston, George, Grothaus, Hamilton, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Young, Zapp—61.

So the House refused to lay the resolution on the table.

Mr. Davis moved to adjourn until 10 o'clock A. M., Monday.

Lost.

Mr. R. Allen moved to adjourn until 9:30 o'clock Monday. Lost.

Mr. Slaughter moved to lay the amendment on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Cotton, Dorris, Dupree, Harn, Lorange, Plumley, Robinson, Shoemaker, Slaughter, York, Zoeller—12.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cox, Davis, Ellis, Evans, Gardiner, George, Gaston, Hamilton, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Van Noy, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp—60.

So the House refused to lay the amendment on the table.

The question recurring on the adoption of the amendment, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Booty, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, George, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—47.

Nays—Messrs. Abbott of Hill, Austin, Chambers, Cole, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Spencer, Stirman, Young—26.

So the amendment was adopted.

Mr. Robertson moved to amend by striking out the following words in the first clause, "so collected in said counties," and inserting in lieu thereof the following, "collected by way of fines and taxes or penalties in the counties of Hill and Walker while said counties were under martial law."

Mr. Evans moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Camp, Chambers, Cole, Cotton, Cox, Davis, Dorris, Ellis, Evans, Gardiner, George, Gaston, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—66.

Nays—Messrs. Burley, Dupree, Harn, Kendall, Plumley, Robinson, York—7.

So the main question was ordered.

The main question being first on the amendment offered by Mr. Robertson, it was adopted.

The main question then recurring on the adoption of the resolution as amended, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Davis, Ellis, Evans, Gardiner, George, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Red River, Patton, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp—56.

Nays—Messrs. Richard Allen, Burley, Cotton, Cox, Dorris, Dupree, Kendall, Locke, Manning, Moore of Harrison, Plumley, Robinson, Shoemaker, Slaughter, York, Zoeller—16.

So the resolution was adopted.

On motion of Mr. Lane, the House, at 1 o'clock P. M., adjourned until 9:30 o'clock A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, September 25, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No quorum present.

On motion of Mr. Plumley the House adjourned until 10 o'clock.
10 o'clock A. M.

House met pursuant to adjournment. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Sheriff the reading of the journal of Saturday was dispensed with.

Mr. Plumley moved that the Rev. B. A. Rogers, Chaplain of the House, be granted leave of absence for twelve days.

Mr. Simmons moved to amend by striking out the words "twelve days" and inserting in lieu thereof "the balance of the session." Lost.

[Mr. Slaughter in the chair.]

Mr. Lane moved to amend by adding, "*provided*, that he shall draw no pay during said absence," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Cotton, Ellis, George, Grothaus, Hamilton, Hawkins, Lacy, Lane, Lyons, Manning, McKee of Guadalupe, McLean, Medlock, Mitchell, Moore of Harrison, Robinson, Ross, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Weaver, Zapp, Zoeller—32.

Nays—Messrs. Abbott of Austin, Richard Allen, Camp, Chambers, Cole, Cox, Dorris, Evans, Gardiner, Gaston, Harn, Haswell, Jenkins, Kendall, Kyle, Leonard, Locke, Lorange, McKee of Fanin, Miller, Morris, Morrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robertson, Shoemaker, Slaughter, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Youngkin—36.

So the House refused to adopt the amendment.

The question recurring on the adoption of the motion made by Mr. Plumley, it was adopted.

Mr. Lane moved a suspension of the rules to allow him to introduce a resolution, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Dorris, Ellis, Evans, George, Gaston, Grothaus, Harn, Jenkins, Kyle, Lacy, Lane, Leonard, Manning, McKee of

Guadalupe, McLean, Moore of Harrison, Posey, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Weaver, Zapp—36.

Nays—Messrs. Abbott of Austin, Richard Allen, Camp, Cole, Cotton, Cox, Dupree, Gardiner, Hamilton, Hawkins, Johnson, Kendall, Locke, Lyons, McKee of Fannin, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Red River, Patton, Pierson, Plumley, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—34.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

On motion of Mr. Morrison, Mr. Young was excused from attendance to-day on account of sickness.

On motion of Mr. Robertson, the use of the hall was granted to the taxpayers' convention for this and every other evening after the adjournment of the House, until the conclusion of their labors.

Mr. Sheriff moved a suspension of the rules to take up out of its regular order House bill No. 708, to be entitled "An act making an appropriation for postage stamps," upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cole, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Evans, George, Harn, Johnson, Kendall, Kyle, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Pierson, Plumley, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—46.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Gardiner, Grothaus, Hawkins, Jenkins, Lacy, Lane, Leonard, McKee of Fannin, Morris, Patton, Robertson, Ross, Self, Simmons, Smyth, Stirman, Weaver—22.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

On motion of Mr. Leonard, Mr. Lane was granted leave of absence for five days, from Wednesday next.

REPORTS OF COMMITTEES.

Mr. Johnson, Chairman of the Committee on Finance, submitted the following report :

COMMITTEE ROOM, }
Austin, Sept. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 729, having carefully considered the same, recommend that it do pass with the following amendments, to wit :

Section six line nine, after the word "dollars" insert "provided that this section shall not be so construed as to include any wines or beer manufactured in this State."

Section six page two, strike out fifth, sixth and seventh lines to the words "five dollars" inclusive, and insert as follows: "From every theatre or dramatic representation for which pay for admittance is demanded or received if given in an incorporated city or town of more than ten thousand inhabitants, five dollars for each representation thereof; if in a city or town of less than ten thousand inhabitants two dollars and a half for each representation thereof."

In line nine page two, after the word "purposes" insert the words "or by amateur performers."

In line twelve second page, strike out the word "each."

Page three line seven, after the word "merchant" strike out the words "one hundred and fifty," and insert "two hundred."

Page three line twenty-eight, before the word "merchant" insert the word "wholesale."

Page four line one, strike out all the sentence after the word "provided" and insert "that no county tax be collected for selling goods by card or sample."

Page four line twenty-three, after the word "law" insert "whose income is less than \$2500 per annum; from every attorney-at-law whose income is more than \$2500, but does not exceed \$5000 per annum, twenty five dollars; from every attorney-at-law whose income is more than \$5000 per annum fifty dollars."

Page five line two, after the word "auctioneer" strike out the word "fifty" and insert the word "five;" and in line three after the word "dollars" insert the words "on each and every thousand dollars of sales."

Page five line seven, after the words "cotton broker" strike out the word "forty" and insert the word "fifty."

Page five line eight, after the word "pawnbroker" strike out the word "thirty" and insert the word "fifty."

Page five line twelve, after the words "land agent" strike out the word "ten" and insert the word "twenty-five."

Page five, strike out the entire sentence from line nineteen inclu-

sive, and insert "*provided*, that any attorney-at-law doing the business of a land agency shall be taxed as land agents in addition to the tax as attorneys-at-law."

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson, the bill (House bill No. 729, to be entitled "An act amendatory of and supplemental to an act to give effect to the several provisions of the Constitution concerning taxes") and the report of the committee were ordered to be printed and made the special order for Wednesday next, at 11 o'clock A. M.

COMMITTEE ROOM, {
Austin, Sept. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 709, to be entitled "An act amending an act entitled 'an act to incorporate the Bank of Cleburne,'" having carefully considered the same, do respectfully recommend its passage.

J. W. JOHNSON, Chairman.

House bill No. 709 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson, the rules were suspended, and House bill No. 709 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM, {
Austin, Sept. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 718, entitled "An act making an appropriation for the *per diem* pay of members, officers and employes of the adjourned session of the Twelfth Legislature, having carefully considered the same, do respectfully recommend its passage.

J. W. JOHNSON, Chairman.

House bill No. 718 was then read.

On motion of Mr. Pierson, the bill was amended by striking out the word "adjourned" wherever it occurred.

On motion of Mr. Morris, the rule requiring all bills making an appropriation to be referred to the Committee of the whole House was suspended in this case.

On motion of Mr. Johnson, section one was amended by inserting the words "be and the same is hereby appropriated" after the words "Twelfth Legislature."

Mr. Pierson moved to strike out "\$75,000" wherever it occurs, and insert in lieu thereof "\$100,000."

Mr. Chambers moved to lay the amendment on the table. Lost.

The question recurring on the adoption of the amendment offered by Mr. Pierson, it was adopted.

[Speaker Sinclair in the Chair.]

A message was received from the Senate by the Secretary, announcing that that body had passed the following House bills without amendments:

No. 371, to be entitled "An act to incorporate the Navasota Hebrew Benevolent Society."

No. 695, "An act to amend 'an act to incorporate the city of Brenham and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter.'"

No. 710, "An act to incorporate the Corpus Christi and Rio Grande Railroad Company."

No. 719, "An act for the relief of the estate of Charles Garnett, deceased."

House bill No. 718 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Slaughter, the rules were suspended and House bill No. 718 was then read the third time.

11 o'clock A. M.

SPECIAL ORDER,

Viz: House bill No. 738, to be entitled "An act amendatory of and supplemental to 'an act to authorize counties, cities and towns to aid in the construction of railroads and other works of internal improvement,' approved April 12, 1871."

On motion of Mr. Locke the further consideration of the special order was postponed until the business now under consideration was disposed of.

House bill No. 718 then passed by the following vote.

Yeas—Messrs. Richard Allen, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Lorance, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Ycuñgkin, Zapp, Zoeller—43.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Morris, Moore of Red River, Posey, Robertson, Self, Simmons, Smyth, Spencer, Stirman, Weaver—27.

On motion of Mr. Johnson, the title was amended by striking out the words "adjourned session of the," and as amended was agreed to.

Special order resumed:

House bill No. 738 was then read the second time.

On motion of Mr. Plumley, House bill No. 738 was laid on the table.

Mr. Grothaus, Chairman of the Committee on Commerce and Manufactures, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 713, to be entitled "An act to incorporate the Buffalo Warehouse and Compress Company," after due consideration, beg leave to recommend its passage, with the following amendment: In section one, before the word "succession," strike out the word "continuous."

Respectfully,

F. E. GROTHAUS, Chairman,
C. L. ABBOTT,
W. T. SIMMONS,
G. W. PATTON,
H. MOORE.

On motion of Mr. Grothaus the amendment recommended by the committee was adopted.

House bill No. 713 was then read and ordered to be engrossed and passed to its third reading.

Mr. Grothaus moved a suspension of the rules to put House bill No. 713 on its third reading and final passage. Lost.

Mr. R. Allen, Chairman of the Committee on Roads, Bridges and Ferries, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 21, 1871. }

* Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 742, to be entitled "An act to incorpo-

rate the Richmond Bridge Company," after due consideration beg leave to recommend the passage of the same without amendment.

Respectfully,

R. ALLEN, Chairman,
MILO MANNING,
WM. SCHLOTMAN,
J. O. AUSTIN,
J. J. HAMILTON.

House bill No. 742 was then read and ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM, }
Austin, Sept. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 688, to be entitled "An act to repeal an act entitled an act to authorize the citizens of Wallace Prairie, Grimes county, to erect gates across the public roads in said prairie, passed May 18, 1871," after due consideration beg leave to recommend the passage of the same without amendment.

Respectfully,

R. ALLEN, Chairman,
MILO MANNING,
WM. SCHLOTMAN,
J. O. AUSTIN,
J. J. HAMILTON.

House bill No. 688 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. R. Allen, the rules were suspended and House bill No. 688 was read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Sept. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 737, to be entitled "An act to establish a ferry across the Sabine river, at Mann's Bluff, in the county of Panola," after due consideration, beg leave to recommend the following amendments: Add to section three, after the words "and for live stock five cents per head," the words, to-wit: "except sheep, goats and hogs, for which two cents per head;" also, add to section three, at the end thereof, the words, to-wit: that no other person or persons shall have the right to establish or run a ferry

within one mile and a half of the ferry hereby incorporated, for the term of twenty years from and after the passage of this act." With these amendments the passage of the bill is recommended.

Respectfully,

R. ALLEN, Chairman,
MANNING,
WM. SCHLOTMAN,
J. O. AUSTIN,
J. J. HAMILTON.

On motion of Mr. Grothaus, the amendments recommended by the Committee were adopted.

House bill No. 737 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Burley, the rules were suspended and Senate bill No. 464, to be entitled "An act to establish a ferry across the Big Brazos river, at or near the northwest corner of Robertson county, in the counties of Robertson and Falls," was taken up out of its regular order and read the first time.

On motion of Mr. Miller, the rules were suspended and Senate bill No. 464 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Grothaus, Chairman *pro tem.* of the Committee on Enrolled Bills submitted the following report:

COMMITTEE ROOM,
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to wit: House bill No. 174, to be entitled "An act to incorporate the Houston Schuetzen Verein;" No. 717, "An act to incorporate the Union Club of the City of San Antonio;" No. 580, "An act for the relief of R. E. Barden, District Attorney for the Third Judicial District;" No. 698, "An act to amend an act entitled 'an act to incorporate the Belton Bridge Company,' approved April 12, 1871," and find the same correctly enrolled.

F. E. GROTHAUS, Chairman *pro tem.*

Report accepted.

Mr. Miller moved a suspension of the rules to take up out of its regular order Senate joint resolution No. 40. Lost.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills have carefully examined House bill No. 735, to be entitled "An act supplemental to and amendatory of an act entitled 'an act to incorporate the city of San Antonio, and grant a new charter to said city, and to repeal an act entitled 'an act to incorporate the city of San Antonio, approved July 17, 1856,' and and an act entitled 'an act to amend an act to incorporate the city of San Antonio,' approved February 11, 1860," approved August 13, 1870, and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
H. C. ELLIS.

COMMITTEE ROOM,
Austin, Sept. 23, 1871. }

Hon. WM. H. SINCLAIR,

Spcaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 542, to be entitled "An act to incorporate the Brazos Navigation Company;" House bill No. 716, to be entitled "An act to incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company," approved May 19, 1871; House bill No. 726, to be entitled "An act to authorize Howard Keyes and his associates to construct a toll bridge across lake fork of Sabine river;" House bill, No. 733, to be entitled "An act to incorporate Edom Academy, in Cook county, Texas;" Substitute House bill No. 731, to be entitled "An act to amend section one of an act entitled 'an act to encourage stockraising, and for the protection of stockraisers,'" approved May 22, 1871; also, House joint resolution No. 18, "Joint resolution proposing an amendment to article nine of the Constitution of the State of Texas;" and find the same correctly engrossed; and House bill No. 706, to be entitled "An act for the relief of Pedro Hernandez."

C. J. STOCKBRIDGE, Chairman.
J. F. McKEE.
H. C. ELLIS.

Reports accepted.

On motion of Mr. Evans, the rules were suspended and House joint resolution No. 32, "Proposing an amendment to the Constitution of this State, to be known as article thirteen thereof," was

taken up out of its regular order, read the second time and referred to the Committee on Judiciary.

BILLS.

Mr. Pierson introduced a bill (House bill No. 759), to be entitled "An act to regulate life insurance in the State of Texas," which was read the first time.

On motion of Mr. Pierson, the rules were suspended and House bill No. 759 was read the second time and referred to the Committee on State Affairs.

Mr. Cole introduced a bill (House bill No. 760) to be entitled "An act prohibiting the sale of intoxicating liquors within one mile of Cedar Male and Female Institute, in Grayson county," which was read the first time.

On motion of Mr. Cole, the rules were suspended, and House bill No. 760 was read the second time and referred to the Committee on Education.

Mr. Cole also introduced a bill (House bill No. 761) to be entitled "An act to incorporate the Grayson County Fruit and Wine Company," which was read the first time.

On motion of Mr. Cole, the rules were suspended, and House bill No. 761 was read the second time and referred to the Committee on State Affairs.

Mr. Zapp introduced a bill (House bill No. 762) to be entitled "An act to provide for the payment of sheriffs in conveying prisoners to the State penitentiary," which was read the first time.

On motion of Mr. Zapp, the rules were suspended, and House bill No. 762 was read the second time.

On motion of Mr. Schutze, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 762 was ordered to be engrossed, and passed to its third reading.

On motion of Mr. Locke, the rules were further suspended, House bill No. 762 read the third time, passed, and its title was agreed to.

Mr. Zapp also introduced a bill (House bill No. 763) to be entitled "An act to prohibit the sale of intoxicating liquors to persons within the scholastic age in the State of Texas," which was read the first time.

On motion of Mr. Zapp, the rules were suspended, House bill No. 763 read the second time, and referred to the Committee on Education.

Mr. Locke introduced a bill (House bill No. 764) to be entitled

"An act to incorporate the San Antonio and Aransas Bay Railroad Company," which was read the first time.

Mr. Sheriff introduced a bill (House bill No. 765) to be entitled "An act to authorize the Secretary of State to collect and have printed, in book form, the orders of the Commanding General of the Fifth Military District, during the late Provisional Government," which was read the first time.

On motion of Mr. Robertson, House bill No. 765 was rejected.

The Speaker announced that on account of the sickness of one, and the absence of another member of the Committee on Judiciary, he had temporarily appointed Messrs. Locke and Zapp on said committee.

On motion of Mr. Pierson, House bill No. 130, to be entitled "An act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pittsburg Institute, Upshur county, Texas," was taken up from the table.

House bill No. 130 was then read.

Mr. Slaughter moved to amend section one by striking out the words "or sacramental." Lost.

House bill No. 130 was then ordered to be engrossed, and passed to its third reading.

On motion of Mr. Slaughter, the rules were suspended, House bill No. 130 read the third time, passed, and its title agreed to.

On motion of Mr. Self, the House, at 12:30 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, September 26, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Sheriff, the reading of the journal of yesterday was dispensed with.

PETITIONS AND MEMORIALS.

Mr. Gaston presented a petition from Mrs. Mary J. Wright, which was read and referred to the Judiciary Committee.

Mr. Mitchell presented a petition from the citizens of Burleson county, asking a special hawking privilege for William Coatney, which was read the first time and referred to the Committee on Finance.

Mr. Simmons presented a petition from the citizens of Jefferson county, asking the passage of a general election bill, which was read and referred to the Committee on Privileges and Elections.

Mr. Lacy presented a petition from the citizens of Elysian Fields and vicinity, protesting against the repeal of the law prohibiting the sale of intoxicating liquors in said town, which was read and referred to the Committee on Education.

REPORTS OF COMMITTEES.

Mr. Schutze, Chairman of the Committee on Education, submitted the following report:

COMMITTEE ROOM,
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 763, to be entitled "An act to prohibit the sale of intoxicating liquors to persons within the scholastic age in the State of Texas," after due consideration, beg leave to recommend the passage of the same without amendment.

Respectfully,

JULIUS SCHUTZE, Chairman.
GARDINER,
COLE,
SMYTH,
YOUNGKIN,
PLUMLEY,
BURLEY.
PIERSON.

House bill No. 763 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Schutze the rules were suspended and House bill No. 763 was read the third time, passed, and its title agreed to.

Mr. Slaughter, Chairman of the Committee on Immigration, submitted the following report :

COMMITTEE ROOM,
Austin, Sept. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Immigration, to whom was referred House bill No. 746, after carefully considering the same, report the same back and recommend its passage.

SLAUGHTER Chairman,
AUSTIN,
JOHNSON,
SLICKUM,
R. L. MOORE,
STIRMAN,
CHAMBERS.

House bill No. 746, to be entitled "An act to incorporate the Texas Land and Immigration Company" was then read and ordered to be engrossed and passed to its third reading.

Mr. Grothaus moved a suspension of the rules to put House bill No. 746 on its third reading and final passage, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Camp, Chambers, Cole, Cox, Dorris, Evans, Gaston, Grothaus, Hamilton, Jenkins, Kendall, Kyle, Lacy, Locke, Lyons McKee of Fannin, McLean, Morrison, Moore of Harrison, Moore of Red River, Posey, Robinson, Ross, Schlickum, Schutze, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Tegener, Tinsley, Weaver, York, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Austin, Richard Allen, Bonner, Burley, Cotton, Dupree, Ellis, George, Harn, Hawkins, Manning, Mitchell, Morris, Patton, Schlotman, Self, Stockbridge, Williams of Colorado, Williams of Walker—19.

So the rules were suspended, two-thirds of the members present voting in the affirmative.

House bill No. 746 was then read the third time and passed by the following vote, the yeas and nays having been called for :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Cox, Ellis, Evans, George, Gaston, Grot-
haus, Hamilton, Harn, Jenkins, Kendall, Kyle, Lacy, Leonard,
Locke, Lyons, Morrison, Moore of Harrison, Moore of Red River,
Patton, Pierson, Posey, Robinson, Ross, Schlickum, Schutze, Self,
Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Tege-
ner, Tinsley, Van Noy, Weaver, York, Youngkin, Zapp, Zoeller—57.

Nays—Messrs. Abbott of Austin, Richard Allen, Bonner, Bur-
ley, Cotton, Dorris, Dupree, Hawkins, Manning, McKee of Guada-
lupe, McKee of Fannin, Mitchell, Morris, Schlotman, Stockbridge,
Williams of Colorado, Williams of Walker—17.

The title of the bill was agreed to.

[Mr. Booty in the Chair.]

On motion of Mr. Locke, Mr. Young was excused from attend-
ance to-day on account of sickness.

On motion of Mr. Evans, Mr. Sheriff was excused from attend-
ance to-day on account of sickness.

Mr. Morrison moved that a leave of absence be granted to Mr.
Shoemaker for ten days from to-morrow, upon which the yeas and
nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Richard Allen
Austin, Booty, Burley, Camp, Chambers, Cole, Cotton, Cox, Davis,
Dorris, Evans, Gardiner, George, Hamilton, Hawkins, Jenkins,
Kendall, Kyle, Lacy, Leonard, Locke, Lyons, Manning, McKee
of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morrison,
Moore of Red River, Patton, Plumley, Posey, Robb, Robinson,
Ross, Schutze, Self, Simmons, Slaughter, Smyth, Stirman, Stock-
bridge, Tinsley, Weaver, Williams of Colorado, York, Youngkin,
Zapp—51.

Nays—Messrs. Abbott of Austin, Bonner, Dupree, Ellis, Grot-
haus, Harn, Miller, Morris, Moore of Harrison, Pierson, Schlick-
um, Schlotman, Spencer, Tegener, Van Noy, Williams of Walker,
Zoeller—17.

So Mr. Shoemaker was granted leave of absence.

Mr. R. Allen, Chairman of the Committee on Roads, Bridges and
Ferries, submitted the following reports :

COMMITTEE ROOM, }
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom
was referred House bill No. 757, to be entitled "An act to estab-
lish a ferry across the Brazos river near the mouth of the Little

Brazos river," after due consideration beg leave to recommend the passage of the bill without amendment.

Respectfully,

R. ALLEN, Chairman,
J. O. AUSTIN,
MILO MANNING,
B. B. LACY,
C. W. GARDINER,
J. J. HAMILTON,
WM. SCHLOTMAN.

House bill No. 757 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Gardiner the rules were suspended and House bill No. 757 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 464, to be entitled "An act to establish a ferry across the Big Brazos river, at or near the northwest corner of Robertson county, in the counties of Robertson and Falls," after due consideration, beg leave to recommend the passage of the same without amendment.

Respectfully,

R. ALLEN, Chairman,
J. O. AUSTIN,
MILO MANNING,
B. B. LACY,
C. W. GARDINER,
J. J. HAMILTON,
WM. SCHLOTMAN.

Senate bill No. 464 was then read and ordered to its third reading.

Senate bill No. 464 was then read the third time, passed, and its title agreed to.

Mr. Stockbridge, Chairman of the Committee on Engrossed bills, submitted the following report :

COMMITTEE ROOM,
Austin, Sept. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report, that they have carefully examined House bills, No. 130, to be en-

titled "An act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Pittsburg Institute, Upshur county, Texas;" No. 688, to be entitled "An act to repeal an act entitled 'an act to authorize the citizens of Wallace's Prairie, Grimes county, to erect gates across the public roads in said prairie,' passed May 18, 1871;" No. 709, to be entitled "An act to amend an act entitled 'an act to incorporate the Bank of Cleburne,' approved May 25, 1871;" No. 718, to be entitled "An act making an appropriation for the *per diem* pay of the members, officers and employes of the Twelfth Legislature;" and No. 762, to be entitled "An act to provide for the payment of sheriffs in conveying prisoners to the State penitentiary," and find the same correctly engrossed.

The committee recommend the following amendment to House bill No. 709, to-wit: Amend caption by inserting after the words "Bank of Cleburne," the words, "approved May 25, 1871."

C. J. STOCKBRIDGE, Chairman,
ROBINSON,
H. C. ELLIS.

Report accepted.

BILLS.

Mr. George introduced a bill (House bill No. 766) to be entitled "An act for the relief of certain settlers in Peters's Colony," which was read the first time.

On motion of Mr. Grothaus the rules were suspended and House bill No. 766 was read the second time and referred to the Committee on Public Lands and Land Office.

Mr. Spencer introduced a bill (House bill No. 767) to be entitled "An act for the relief of Col. Thomas Wm. Ward," which was read the first time.

On motion of Mr. Evans the rules were suspended and House bill No. 767 was read the second time and referred to the Committee on Finance.

Mr. Schlickum introduced a bill (House bill No. 768) to be entitled "An act to legalize the action of the County Court of Cameron county in issuing fifteen thousand dollars of bonds of said county bearing an annual interest of eight per cent. to cancel indebtedness of said county," which was read the first time.

Mr. Schlickum moved a suspension of the rules to put House bill No. 768 on its second reading, upon which the yeas and nays were called for and resulted as follows;

Yeas --Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen,

Richard Allen, Austin, Booty, Burley, Cole, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Hawkins, Jenkins, Kendall, Kyle, Leonard, Locke, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shoemaker, Simmons, Sinyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—58.

Nays—Messrs. Bonner, Chambers, Ellis—3.

So the rules were suspended, four-fifths of the members present voting in the affirmative.

House bill No. 768 was then read the second time and referred to the Committee on Finance.

Mr. Gaston introduced a bill (House bill No. 769) to be entitled "An act to establish a ferry across the Neches river, at the Bodenheimer Crossing, Houston county," which was read the first time.

On motion of Mr. Harn, the rules were suspended and House bill No. 769 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Grothaus introduced a bill (House bill No. 770) to be entitled "An act to be entitled an act to amend the seventeenth section of an act entitled 'an act to incorporate the Indianola, San Antonio and El Paso Railroad Company,' passed April 3, 1871," which was read the first time.

On motion of Mr. Locke, the rules were suspended and House bill No. 770 was read the second time and referred to the Committee on Internal Improvements.

Mr. Grothaus also introduced a bill (House bill No. 771) to be entitled "An act to incorporate the Star Mining and Transportation Company."

The rules were suspended and House bill No. 771 was read the second time and referred to the Committee on Commerce and manufactures.

Mr. Locke introduced a bill (House bill No. 772) to be entitled "An act to incorporate the San Antonio Water Company," which was read the first time.

On motion of Mr. Locke, the rules were suspended and House bill No. 772 was read the second time and referred to the Committee on Town and City Corporations.

Mr. Posey introduced a bill (House bill No. 773) to be entitled "An act authorizing the transcription of the surveyor's records of Comanche county," which was read the first time.

On motion of Mr. Posey, the rules were suspended and House

bill No. 773 was read the second time and referred to the Committee on Public Lands and Land Office.

Mr. Posey also introduced a bill (House bill No. 774) to be entitled "An act releasing to the county of San Saba the State tax collected in said county during the years 1871 and 1872," which was read the first time.

On motion of Mr. Posey, the rules were suspended and House bill No. 774 was read the second time and referred to the Committee on Finance.

Mr. J. R. McKee introduced a bill (House bill No. 775), to be entitled "An act to confirm and make valid the acts of the District Court of Collin county, begun and held at McKinney on the first Monday in July, 1871."

On motion of Mr. Hawkins the rules were suspended and House bill No. 775 was read the second time and referred to the Committee on Judiciary.

By unanimous consent Mr. Johnson, Chairman of the Committee on Finance, submitted the following report:

COMMITTEE ROOM,
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred the report of the Auditorial Board, having carefully considered the same, recommend the adoption of the report and the passage of the accompanying bill, embodying the recommendation of said board.

J. W. JOHNSON, Chairman.

The bill reported by the committee (House bill No. 776) to be entitled "An act supplementary to an act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871," was read the first time.

On motion of Mr. Johnson the rules were suspended and House bill No. 776 was read the second time.

Mr. Evans moved a suspension of the rule requiring all bills on their second reading to be referred to committees.

Mr. R. L. Moore moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Williams, of Walker, moved a call of the House. Call not sustained.

Mr. R. Allen moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Bonner, Camp, Cotton, Davis, Gaston, Harn, Hawkins, Lacy, Leonard, Lorance, Lyons, McKee of Fannin, Mitchell, Moore of Red River, Patton, Robb, Ross, Shoemaker, Stirman, Stockbridge, Weaver, Zapp—24.

Nays—Messrs. Abbott of Austin, Austin, Booty, Burley, Chambers, Cole, Cox, Dorris, Dupree, Ellis, Evans, Gardiner, George, Jenkins, Johnson, Kendall, Kyle, Locke, Manning, McKee of Guadalupe, Medlock, Miller, Morrison, Moore of Harrison, Pierson, Plumley, Robertson, Schlickum, Schlotman, Schutze, Self, Simmons, Slaughter, Smyth, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—42.

So the House refused to adjourn.

The question then recurring on the motion made by Mr. Evans to suspend the rule requiring all bills on their second reading to be referred to committees, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Booty, Burley, Camp, Cox, Dorris, Dupree, Ellis, Evans, George, Gaston, Hamilton, Harn, Johnson, Kendall, Lacy, Leonard, Locke, Lorance, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Moore of Harrison, Patton, Pierson, Plumley, Robertson, Schlickum, Schloman, Schutze, Shoemaker, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—47.

Nays—Messrs. Austin, Bonner, Chambers, Cole, Cotton, Davis, Hawkins, Jenkins, Kyle, McKee of Fannin, Miller, Moore of Red River, Posey, Robb, Ross, Self, Simmons—17.

So the rules were suspended, two-thirds of the members present voting in the affirmative.

Mr. Johnson moved a suspension of the rule requiring all bills making an appropriation to be referred to a committee of the whole House.

Mr. R. L. Moore moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Camp, Cole, Cox, Davis, Evans, Gardiner, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lacy, Leonard, Lyons, Manning, McKee of Fannin, Mitchell, Moore of Red River, Pierson, Posey, Robb, Self, Shoemaker, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker—41.

Nays—Messrs. Richard Allen, Burley, Chambers, Cotton, Dorris, Dupree, Ellis, Johnson, Kendall, Locke, McKee of Guadalupe,

Medlock, Miller, Moore of Harrison, Patton, Plumley, Robertson, Ross, Schlickum, Schlotman, Schutze, Slaughter, Youngkin—23.

So the House, at 12 o'clock M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, Sept. 27, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Burley, the reading of the journal of yesterday was dispensed with.

By unanimous consent Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills have carefully examined House bills No. 713, entitled "An act to incorporate the Buffalo Warehouse and Compress Company;" No. 737, entitled "An act to establish a ferry across the Sabine river, at Mann's Bluff, in the county of Panola;" No. 742, entitled "An act to incorporate the Richmond Bridge Company;" No. 746, entitled "An act to incorporate the Texas Land and Immigration Company;" No. 757, entitled "An act to establish a ferry across the Brazos river, and to grant the right of way to the same;" No. 763, entitled "An act to prohibit the sale of intoxicating liquors to persons within the schoolastic age in the State of Texas," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE.

Report accepted.

[Mr. Morrison in the chair.]

As a question of privilege, Mr. Harn, Chairman of the Committee on Privileges and Elections, submitted the following majority and minority reports:

COMMITTEE ROOM, }
Austin, Sept. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Privileges and Elections, to whom was referred the resolution of the Hon. John H. Morrison, of Anderson county, relating to the right of the Hon. W. H. Sinclair to a seat as a member of the House of Representatives, respectfully report that said W. H. Sinclair was duly elected to the Twelfth Legislature. That the seat of the honorable gentleman was contested at the session of 1870 and decided in his favor. (See page 469, House Journal.) That he served in the sessions preceding this, and at the last was duly elected Speaker of the same. That subsequently to his said election as member of the Legislature, his Excellency E. J. Davis, Governor of the State, acting under authority of chapter eleven, General Laws of 1870, by his proclamation, dated day of August, 1870, appointed said W. H. Sinclair County Treasurer of Galveston county. Such being the case, it has been suggested to this committee that the acceptance of said appointment by the Hon. W. H. Sinclair operated to vacate his seat as a member of the Legislature. Section thirty of article three of the Constitution is relied upon to sustain this view of the case. We have carefully examined the provisions of the Constitution, and the existing laws bearing upon this subject, and we are satisfied that the question raised or attempted to be raised by those who claim that said action of said Sinclair vacated his seat as a member of the Legislature, is not sustained by the law and the facts. Section thirty of article three nowhere says that no county treasurer shall be eligible to the Legislature. It does indeed say, in effect, that no person shall at the same time hold or exercise any two offices, agencies, or appointments of trust or profit under this State, with certain exceptions named in the proviso, but this prohibition is disconnected from the clause prohibiting certain officers from being eligible to the Legislature, and was evidently not intended to enlarge the restrictions upon the right of the people to choose such persons as they might judge fit to represent them in the Legislature. The persons declared ineligible are the judges of courts, Secretary of State, Attorney General, clerk of any court of record, sheriff or collector, or any person holding a lucrative office under the United States or this State, or any foreign Government. This committee, having made careful examination, find that the office of county treasurer is unknown to the Constitution and laws of the State of Texas, as at present organized. Such an office *did* exist before the adoption of the present Constitution, and *the power*

to create such an office by an act of the Legislature is not denied, and seems to be clearly pointed to by section five, article twelve, of the Constitution. It is well known to the members of this honorable body that at our spring session the House passed (House bill No. 129) a bill creating the office of county treasurer, which after being passed by the House was sent to the Senate April 20, 1871, read first time, referred to Committee on Judiciary, and reported back on May 2, 1871, with merely verbal amendments, and is still pending in that honorable body. The present Constitution remodeled the entire State Government, but especially that part of it embraced by the county organizations and the judiciary branches of the government. It named all of the officers deemed necessary for the organization of the government, and the Constitutional Convention in providing for an election to put in operation the State government under the present Constitution (if it should be adopted) only provided for the election of all State, district and county officers, who are to be elected by the people under this Constitution. By act of the Legislature passed January 26, 1850, a county treasurer was to be elected by the people every two years, but it never occurred to the mind of any member of the Constitutional Convention that that act would require or authorize the election of a county treasurer under the present Constitution every two years, until the law was formally repealed. It was considered, and your committee is of the opinion that all offices not named in the Constitution were left for the future action of the Legislature. The military commander so construed the proposed Constitution, (now adopted) and did not order any election for county treasurer, holding, and rightly as we judge, that no such office existed.

But it is urged before us that chapter eleven of the laws of 1870, authorized the appointment of county treasurers, and refers to the persons appointed as officers and to the positions they occupy as offices. So it does, but it also provides that they, the offices named, shall not be deemed lucrative. And lucrative or not, in the sense that word is used in the Constitution is a question of legal definition to be fixed by statute enactment; and the last clause of section thirty, article three, of the Constitution, specially clothes the Legislature with power to declare not lucrative all county offices not named in said section. Said appointment not being to an office created and defined by law, having attached to it no annual salary, but being a mere employment, and one declared by statute "not lucrative," the receiving of it and acting in it by said W. H. Sinclair did not in any way affect his position as a member of the House of Representatives. Such being the case, and there being no other question raised as to the right of the gentleman to a seat as a member of this body,

your committee respectfully report that there is no good or valid reason known to them affecting the right of the honorable gentleman as a member of this House, and respectfully ask that this their report be adopted and they discharged from the further consideration of the subject.

C. D. HARN Chairman,
A. D. TINSLEY,
JULIUS SCHUTZE,
W. J. LOCKE,
SILAS COTTON,
J. D. GEORGE,
JOHN H. MORRISON.

COMMITTEE ROOM, }
Austin, Sept. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The undersigned, members of your Committee on Privileges and Elections, to whom was referred the resolution instructing them to inquire into the eligibility of the Hon. Wm. H. Sinclair, Representative from the Twelfth Senatorial District, to a seat as a member of this body, beg leave to submit the following minority report:

We find that said Wm. H. Sinclair was duly elected as a Representative to the Twelfth Legislature from the Twelfth Senatorial District, and that, on the day of, 1870, he appeared, took the oath of office prescribed by the Constitution, and entered upon the discharge of his duties as a member of this body; that since said date he has continued to occupy a seat on this floor, and for several months has been acting as Speaker of this House.

We find, further, that soon after the adjournment of the late session, to-wit: on the twenty-third day of August, A. D. 1871, said Wm. H. Sinclair was appointed by the Governor of this State to the office of Treasurer of Galveston county, under authority conferred upon the Executive by the act entitled "An act to provide for the appointment by the Governor of certain officers to fill vacancies," approved June 28, 1870, and that said Sinclair did accept such appointment, and did qualify as Treasurer of Galveston county in the manner provided by law, and did enter actively upon the discharge of his duties as such.

We are of the opinion—

First. That the office of County Treasurer is an "office, agency, or appointment of trust or profit under this State," within the meaning of the Constitution.

Second. That by the acceptance of such "office, agency, or appointment," the said Wm. H. Sinclair vacated his seat as a member of this Legislature.

We call attention to the following sections of the Constitution of the State of Texas :

"Section 30, Article 3. No judge of any court of law or equity, Secretary of State, Attorney General, clerk of any court of record, sheriff or collector, or any person holding a lucrative office under the United States or this State, or any foreign government, shall be eligible to the Legislature, nor shall at the same time hold or exercise any two offices, agencies, or appointments of trust or profit under this State; *provided*, that offices of militia to which there is attached no annual salary, the office of postmaster, notary public, and the office of justice of the peace, shall not be deemed lucrative, and that one person may hold two or more county offices if so provided by the Legislature.

"Section 31, Article 3. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State Government, until he shall have obtained a discharge for the amount of such collection, and for all public money with which he may have been entrusted."

"Section 42, Article 12. The accounting officers of this State shall neither draw nor pay a warrant upon the Treasury, in favor of any person, for salary or compensation as agent, officer or appointee, who holds at the same time any other office or position of honor, trust or profit, under the State or the United States, except as provided in this Constitution."

First. Is the treasurer of the county an office? We are clearly of the opinion that it is. It was created such by the act of May 13, 1846, and made appointive; by the act of January 26, 1850, it was made elective. By these several acts the duties of the office are defined, and its fees and emoluments determined. There is an oath and bond required of the incumbent as in the case of all other officers entrusted with the keeping of public funds. It is urged that this office is not created under the Constitution. It is true that this office is not expressly named, yet no one denies that ample authority is therein conferred to empower its creation. The majority contend that because Major General Reynolds did not regard it an office, that his opinion is conclusive. We do not regard his opinions as of any force and effect in the interpretation of law. We believe he is not even a licensed lawyer of this State. But he did recognize this law, and did make appointments of county treasurers throughout the State, and persons so appointed were continued in

office long after the State government was restored to its present authorities. Moreover, the present administration has recognized this office, and under authority conferred in what is known as the enabling act, in which the office is also expressly recognized, the Governor has appointed treasurers in all the counties, and such treasurers have qualified in accordance with the act of May 13, 1846, and subsequent acts, and the Hon. W. H. Sinclair did qualify under this act. Having recognized it so far, he cannot now with consistency deny that it is a subsisting statute.

But the majority of your committee are of the opinion that the act of May 13, 1846, and January 26, 1850, and subsequent acts relating to the office of county treasurer, were repealed by the Constitution. In this we cannot concur. The act is not repugnant to the Constitution or any of its provisions. If the adoption of the Constitution of 1869 operated a repeal of all pre-existing laws, then we submit that there is not a penal statute in force in the State except such as have been passed by this Legislature. The acts of the Twelfth Legislature would comprise the entire Civil and Criminal Code of the State. We have never before heard a doubt entertained that all laws in force at the date of the adoption of the Constitution, and not obnoxious to its provisions, are still valid and subsisting laws of this State. Such, certainly, has heretofore been the rule of construction.

But if the position assumed by the majority of your committee be correct, he was, if not *de jure*, a *de facto* officer, and under all the authorities the consequences are precisely the same. The fact is, that he did accept the office, and did enter upon its duties, and whether a constitutional or legal officer, is of no consequence. See definition of officer, Bouvier's Law Dictionary, vol. II.: "An office is a right to exercise a public function or employment, and to take the fees and emoluments belonging to it." He did exercise the functions of this office, and did take its fees and emoluments, and hence must be held amenable to the legal effects of such course. But it is contended that this is not a lucrative office. If an office at all it must be lucrative. Under the common law all offices of trust, profit or honor to which fees, emoluments or salary is attached, are regarded as incompatible in so far as to disqualify the person holding the same from, at the same time, exercising the functions of any other office. Our Constitution has so far modified this rule as to declare the offices of postmaster, notary public and justice of the peace not lucrative. All other agencies, offices or appointments must be regarded as lucrative. The Constitution having mentioned the offices named, all others are excluded. "*Expressio unius est exclusio alterius*," is a maxim that

no one will gainsay. The express mention of one thing (an office, as in this case,) implies the exclusion of all others. That the office of county treasurer is an office of profit and trust, and that it is clearly lucrative within the meaning of the Constitution, we do not think admits of any reasonable doubt. Again, the Constitution has provided that no person who has been entrusted with public money is eligible to a seat in the Legislature until fully discharged. We submit that as treasurer of Galveston county said Sinclair was entrusted with public funds. Has he obtained a discharge from such trust? If not he can not, under the Constitution of our State, occupy a seat on this floor.

Second. If we have shown that the office of treasurer is an office, and that it is lucrative within the meaning of our Constitution, what is the consequence of the acceptance of the same in the present case? The office of treasurer and that of legislator are clearly incompatible, and under the common law the functions of both could not be exercised by the same person, and we have the highest authority in support of the position that the acceptance of this office by said Sinclair operated as a vacation and forfeiture of his seat in this honorable body. We refer to the following authorities in support of the position assumed, believing them to be ample to convince any unprejudiced mind that the said Sinclair is no longer a legal member of this House. The provision of our Constitution is similar to the provision of the Constitution of the United States. In Yell's case, 1846—7, it is decided that Yell, who was a judge in Arkansas and who was elected a volunteer Colonel in the Mexican war, and did not resign his office as judge, did vacate his office by accepting a military appointment. The Governor ordered a new election, and the person elected as his successor qualified and served out his term. In Vanness's case, Cl. & Hall, 122, it is decided that the acceptance by a member of any office, after he has taken his seat as member of Congress, operates as a forfeiture of his seat. We refer also to the following cases: Hammond vs. Herrick, Cl. & Hall, 287; Earle's case, Cl. & Hall, 314; and Mumford's case, Cl. & Hall, 316.

We also refer to the case of Beazely vs. Stinson *et al.*, Dallam, 537. In this case the court held that the acceptance of an office incompatible with the duties of a former office, would *ipso facto* vacate the former office.

Biencourt vs. Parker, 27 Texas Reports 562, the court says: "The exception to the deposition of Salazar was properly sustained by the court. It was taken by H. B. Fry, who purported to act in the capacity of a notary public. He had been at one time a notary public, but the parol evidence before the court showed that he was

subsequently elected and qualified as county clerk, and that for some time previous and at the taking of this deposition, he was well known and generally recognized as having accepted that office, and was in open, public and notorious discharge of its official duties. The Constitution declares that 'no person shall hold or exercise at the same time more than one civil office of emolument, except that of justice of the peace.' (Art. 7, Sec. 26.) On the acceptance and qualification of a person to a second office, incompatible with one he is then holding, the first office is *ipso facto* vacated. (The People vs. Carrique, 2 Hill 93.) A resignation by implication will take place by being appointed to and accepting a new office incompatible with the former one. It is said to be an absolute determination of the original office, and leaves no shadow of title to the possessor; so that neither *quo warranto* nor a motion is necessary before another may be elected." (Rex. vs. Trelawney, 3 Burr. 1616; Melivard vs. Thatcher, 2 T. R. 87; Wilcox on Municipal Corp. 240, 617; Ang. and Am. on Corp. 255.)

"Having ceased to be *de jure* a notary public for some time previous to taking this deposition, it cannot be pretended that this single act, which is all that he is shown to have attempted to do in this capacity, will constitute him a notary public *de facto*. In Burke vs. Elliott, (4 Ind. Law, 355) it is said by the court: 'The acts of officers *de facto* are as effectual, as far as the rights of third persons or the public are concerned, as if they were officers *de jure*.' What shall constitute an officer *de facto*, may admit of doubt in different cases. The mere assumption of the office by performing one or even several acts appropriate to it, without any recognition of the person as officer by the appointing power, may not be sufficient to constitute him an officer *de facto*. There must be at least some colorable election and induction into the office *ad origine*, and some action thereunder, or so long an exercise of the office and acquiescence therein of the public authorities as to afford to an individual citizen a strong presumption that the party was duly appointed; and therefore, that any person might compel him, for the legal fees, to do his business, and for the same reason was bound to submit to his authority in such official capacity."

These authorities hastily collected, we deem sufficient to at least cause this body to make a calm and deliberate investigation of the question involved. With the Constitution of our State, which we have sworn to support and obey, and the opinions of the Supreme Court, the great oracle of the law, as our guide in its interpretation, we are forced to the conclusion that the said W. H. Sinclair cannot legally hold a seat as a member of this body. We regret that a matter of such importance, involving a grave constitutional question,

should be hurried through committee with such indecent haste. Scarcely a day has been allowed for investigation, and the authorities cited by the minority of your committee have been collected under circumstances the most unfavorable. The question increases in importance when we consider that the honorable member holding a seat under such tenure, is Speaker of the House, and at the late session was Chairman of the Finance Committee, and it may in no small degree affect the rights of the people of the State.

In view of the facts of the case, and that the plain letter of the Constitution may be enforced in this as in all similar cases, we beg leave to submit the following resolution and recommend its adoption:

Resolved, That by the acceptance of the office of treasurer of Galveston county, the Hon. W. H. Sinclair vacated and forfeited his seat as a member of this House, and that said seat be declared vacant.

Respectfully,

JOHN W. ROBERTSON,
FERG. KYLE,
H. C. ELLIS.

Mr. Harn moved the adoption of the majority report.

Mr. Robertson moved that the majority and minority reports be printed and made the special order for Friday next at 11 o'clock A. M.

On motion of Mr. Cole he was excused from voting on the subject, having paired off with Mr. Shoemaker.

Mr. Miller moved a reconsideration of the vote just taken.

On motion of Mr. Grothaus the motion to reconsider was laid on the table.

11 o'clock A. M.

SPECIAL ORDER;

Viz: House bill No. 707, to be entitled "An act to incorporate the Southwestern Sleeping Car Company," and House bill No. 729, to be entitled "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes.'"

On motion of Mr. Haswell the consideration of the special order was postponed until the business under consideration was disposed of.

The question recurring on the motion of Mr. Robertson to have printed and made the special order for Friday next at 11 o'clock A. M. the majority and minority reports of the committee, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty,

Bonner, Chambers, Ellis, Evans, Gaston, Hawkins, Jenkins, Johnson, Kyle, Lacy, Leonard, Lyons, McKee of Fannin, McLane, Miller, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Weaver—28.

Nays--Messrs. Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller--43.

So the House refused to make the reports of the committee the special order for Friday next.

The following message was received from the Governor by the hands of his private secretary:

GOVERNOR'S OFFICE, }
Austin, Sept. 26, 1871. }

To the Honorable Senate and House of Representatives of Texas:

GENTLEMEN: I have the honor to enclose herewith copies of communications from the Hon. Wm. Belknap, Secretary of War of the United States, and Gen. J. J. Reynolds, commanding Department of Texas, in relation to the embarrassment experienced by the military authorities in locating posts and stations in Texas.

I recommend to your honorable body that further legislation be enacted, to facilitate the United States Government in procuring the titles to lands desired for the above purposes. The law as it at present exists (act of Dec. 19, 1849,) is defective, in that it applies only to territory of counties attached to and part of some one of the judicial districts, and even within these, especially in the sparsely settled counties of the frontier, the process of condemnation of land for such sites is very inefficient. Outside of the counties attached to some judicial district there is no process of law for such condemnation.

Very respectfully,
EDMUND J. DAVIS, Governor.

WAR DEPARTMENT, }
WASHINGTON CITY, Aug. 14, 1871. }

To the Governor of the State of Texas:

SIR: I have the honor to call your attention to the embarrassment experienced by the military authorities in locating posts and stations in Texas, from the proceedings of speculators who, as soon as a site is selected, enter the lands and expect larger rents than those ordi-

narily paid, or to succeed to the government buildings, which proceedings are very detrimental to the interests of the United States.

In consideration of the protection afforded the State of Texas by the presence of United States troops, I think it should use its utmost power to provide suitable sites for forts, etc., and unless such assistance be rendered the government may be compelled to withdraw its troops from Texas altogether. I have therefore to request your earnest consideration of this matter, which is one of considerable importance to the interests involved.

[Signed] Very respectfully, your obedient servant,
WM. W. BELKNAP,
Secretary of War.

HEADQUARTERS DEPARTMENT OF TEXAS,
OFFICE OF ASSISTANT ADJUTANT GENERAL, }
SAN ANTONIO, Texas, Sept. 16, 1871. }

His Excellency E. J. DAVIS,
Governor of Texas:

GOVERNOR: I have the honor to request that you will lay before the Legislature, now in session, the subject of condemnation of land required by the United States for military posts and reservations on the frontier. The State of Texas when annexed to the United States having reserved to herself the right of eminent domain; precludes the Congress of the United States from acting in the premises.

The War Department has determined to furnish no more money for building posts on the frontier until the title to the land occupied can be vested in the United States, or leases can be made with the privilege of purchase by the United States.

Owing to the great difficulty in finding owners and obtaining their consent to leases on reasonable terms, the latter method, if not wholly impracticable, will lead to indefinite delay to the great detriment of the frontier and the army.

I would respectfully state, as suggested by General Sherman, during his recent visit to the Texas frontier, that the most direct method of meeting the question seems to be for the Legislature to pass a law making lands occupied by the United States, for military purposes on the frontier liable to condemnation in the same manner as lands required for railroad purposes. Arbitrators can then fix the value of the land and the owners will be paid for the same by the United States.

I am, Governor, very respectfully, your obedient servant,
(Signed.) J. J. REYNOLDS,
Brevet Maj. Gen. U. S. A. Commanding.

Laid over under the rules.

The question recurring upon the motion of Mr. Harn to adopt the majority report, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Schlickum, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zceller—43.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bönner, Chambers, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Leonard, McKee of Fannin, McLean, Miller, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Weaver—24.

So the majority report was adopted.

[Speaker Sinclair resumed the chair.]

Mr. Morris moved to lay the minority report and the resolution offered by the minority of the Committee on Privileges and Elections on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—44.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Ellis, Evans, Gaston, Jenkins, Kyle, Lacy, Leonard, McKee of Fannin, McLean, Miller, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Weaver—23.

So the report and resolutions were laid on the table.

Mr. R. Allen moved to reconsider the vote just taken and to lay the motion to reconsider on the table. The latter motion prevailed.

By unanimous consent Mr. Evans offered the following resolution:

Resolved, That the Clerk of this House be required to prepare a list of all the bills, joint resolutions and resolutions introduced into this House, and upon which final action has not been taken by this House; and that said list shall show the number, caption and present condition of each of said bills, joint resolutions and resolutions.

Resolved, further, That one hundred copies of said list be

printed and distributed among the members of this House for their information.

Resolution read the first and second times, and

On motion of Mr. Camp, was adopted.

The Chief Clerk was dispatched to the Senate with the following House bills, viz: Nos. 130, 688, 709, 718, 762, 706, 716, 724, 736, 733, 735, 746, 757 and 763, asking the concurrence of the Senate therein.

Also, with enrolled House bills Nos. 174, 580, 698 and 717, for the signature of the President of the Senate, and returning Senate bill No. 464, which the House had passed.

A message was received from the Senate returning the following enrolled House bills which had been signed by the President in open session: No. 580, to be entitled "An act for the relief of R. E. Borden, district attorney of the Third Judicial District;" No. 699, to be entitled "An act to be entitled an act to amend the third section of an act entitled an act to amend an act prescribing the times of holding the district courts in the several judicial districts of the State, approved August 10, 1870, approved March 4, 1871;" No. 717, to be entitled "An act to incorporate the Union Club of the city of San Antonio."

Also, that body had passed without amendment, House bill No. 444, to be entitled "An act to authorize William and Thomas Burney to erect a toll bridge over Pin Oak creek, in the county of Limestone, Texas;" and House bill No. 566, to be entitled "An act supplementary to an act entitled 'an act to incorporate the Western Narrow Gauge Railway Company,' passed August 4, 1870."

Special order resumed, viz: House bill No. 707.

Mr. Robertson moved to amend section four by adding "*provided*, cars to be provided at the expense of the State, and that they be furnished with all the modern appliances to secure ease, including spring mattresses." Lost.

On motion of Mr. Robertson, the name of "A. Faulkner" was inserted as an incorporator.

House bill No. 707 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Plumley, the rules were suspended and House bill No. 707 was read the third time and passed by the following vote, the yeas and nays having been called for:

Yeas—Messrs. Richard Allen, Burley, Camp Cotton, Cox, Davis, Dupree, Ellis, Evans, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Lacy, Locke, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Patton, Pierson, Plumley Robinson, Ross, Schlickum, Schlotman,

Sheriff, Simmons, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—47.

Nays—Messrs. Abbott of Hill, Austin, Chambers, Dorris, Gaston, Hawkins, Jenkins, Kyle, Leonard, McLean, Miller, Moore of Harrison, Posey, Robb, Robertson, Self, Smyth, Stirman, Williams of Colorado—19.

The title of the bill was agreed to.

House bill No. 729, to be entitled "An act amendatory of and supplemental to an act to give effect to the several provisions of the Constitution concerning taxes," was then read.

Mr. Jo. Abbott moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Hawkins moved to lay the report of the Committee on Finance on the table. Lost.

On motion of Mr. Evans the report of the Committee on Finance was rejected.

On motion of Mr. Jo. Abbott, the House, at 12:30 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, September 28, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Grothaus the reading of the journal of yesterday was dispensed with.

Mr. B. F. Williams rose to a question of privilege in regard to the following article appearing in the *Democratic Statesman*, which he declared to be false:

"Rev. Williams, negro member of the Legislature, negro chaplain of Radical nominating conventions, in his speech at Buas hall Saturday night, recommended, indeed urged, that his people should come to the polls WELL ARMED! Now, if this be so, and we have no reason to doubt it, for the source whence we obtained our information is perfectly reliable, what will Governor Davis do to keep the peace? Does he propose closing the polls and debarring peaceable Democrats from casting their ballots, because the negroes choose to violate laws and Executive 'orders?'"

Mr. Morrison rose to a question of privilege in regard to the following article appearing in the *Democratic Statesman* of September 21 :

“A LITTLE INCIDENT.

“McLean introduced a resolution in the House on yesterday to declare the office of Speaker vacant, because the incumbent had accepted the office of treasurer of Galveston county.

“Morrison moved to table the bill.

“Robertson went to him and asked him to withdraw the motion, stating that the Radicals had a majority in the committee, and they could report adversely.

“Morrison said : ‘I won’t withdraw it—my set have been under for many years; we have the power now, and intend to use it.’

“To which Robertson replied: ‘You are a dirty penitentiary thief, an escaped convict from the Iowa penitentiary, and ought to be there now.’”

Mr. Morrison read the following cards and offered the following resolution :

“A CARD.

“AUSTIN, Sept. 21, 1871.

“EDITORS STATE JOURNAL: I observe an article in the *Statesman*, a Democratic paper published in this city, whose editor nobody knows, an article headed, ‘A Little Incident,’ purporting to have occurred in the House of Representatives between myself and Hon. John W. Robertson. I take this occasion to pronounce the statements and insinuations therein contained, as totally false from beginning to end, and the writer a liar, coward, and public slanderer.

“JOHN H. MORRISON,
“House of Representatives.”

“A CARD.

“EDITOR JOURNAL: I see in this morning’s JOURNAL that John H. Morrison denies one-half the article which was published in the *Democratic Statesman*, of date September 21. As being in some way responsible for its appearance therein, justice to all parties demands that its history be given.

“The article as published was laid upon the reporter’s desk in the Senate. As a news reporter I considered it public property, if true. I went into the House, read the article to Col. Robertson, and asked

him if it was true. He declined to answer, saying he preferred the facts to come from some third party. I informed him that that was the condition of the case, and asked him if he used those words. He replied, "I will not say those were the exact words, but they sound remarkably like the words I did use, and it is correct in substance."

"This is the state of the case. Col. Robertson has not changed his views, nor seen fit to qualify his statement in the least since the appearance of Morrison's card. As a professional reporter I considered the article public property, and sustained by as strong proof as any of the news items appearing in any paper, no matter what its standing or politics. While disclaiming authorship, I seek in *no way* to avoid the *personal* responsibility for its appearance.

"JAMES H. BAKER, Reporter."

WHEREAS, James H. Baker, reporter for the *Statesman* and *San Antonio Herald*, has maliciously and falsely slandered a member of this House, by reporting him as being an escaped convict from the penitentiary of the State of Iowa; therefore, be it

Resolved, That the Sergeant-at-Arms be and he is hereby ordered to remove the said Baker from within the bar of the House, and hereafter not to allow him the privilege of reporting on this floor.

Mr. Robertson rose and stated that he assumed the responsibility of the substance of what was contained in the first of the articles read, but that he had nothing to do with the publishing of the same.

On motion of Mr. Evans, Mr. Morrison was permitted to withdraw the resolution.

Mr. Jo. Abbott moved a suspension of the rules to allow him to offer a resolution. Rules not suspended.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that the following bills, to-wit: House bill No. 174, "An act to incorporate the Houston Schuetzen Verein;" House bill No. 580, "An act for the relief of R. E. Borden, District Attorney of the Third Judicial District;" House bill No. 698, "An act to be entitled an act to amend an act entitled 'an act to incorporate the Belton Bridge Company,' approved April 12, 1871;" House bill No. 717, "An

act to incorporate the Union Club of the City of San Antonio," have this day been presented to the Governor for his approval.

GEO. T. HASWELL, Chairman.

COMMITTEE ROOM, {
Austin, Sept. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined House bills No. 719, to be entitled "An act for the relief of the estate of Charles Garnet, deceased;" House bill No. 699, to be entitled "An act to amend the third section of an act entitled an act to amend 'an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870,' approved March 4, 1871;" House bill No. 371, "An act to incorporate the Navasota Hebrew Benevolent Society;" House bill No. 695, to be entitled "An act to amend 'an act to incorporate the city of Brenham, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter,'" and instruct me to report the same as correctly enrolled.

GEO. T. HASWELL, Chairman,
F. E. GROTHAUS,
J. W. POSEY.

Reports accepted.

Chief Clerk was dispatched to the Senate with the following enrolled House bills for the signature of the President of that body:

House bill No. 719, to be entitled "An act for the relief of the estate of Charles Garnet, deceased."

No. 699, to be entitled "An act to amend the third section of an act entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 10, 1870, approved March 4, 1871."

No. 371, to be entitled "An act to incorporate the Navasota Hebrew Benevolent Society."

No. 695, to be entitled "An act to amend 'an act to incorporate the City of Brenham,' and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter."

UNFINISHED BUSINESS.

The unfinished business being the consideration of House bill No. 729, which was then read.

On motion of Mr. Evans, section one was amended by striking out the word "ten," in line 246, and inserting in lieu thereof the word "twenty."

Mr. Zoeller moved to lay the bill on the table. Lost.

On motion of Mr. Evans, section one was amended by inserting after the word "county" the words "upon the expiration of the said twenty days."

Mr. Robertson moved to amend section one by striking out all after the word "license," in line 246, down to and including the word "published," in line 264, and insert in lieu thereof the words "and shall be punished as hereinafter provided." Lost.

Mr. Evans moved to amend by striking out the words "in case it is the State occupation tax; and in case it is the county occupation tax, it shall be lawful, and it is hereby made the duty of the treasurer of the county." Carried.

On motion of Mr. Evans, section one, line two hundred and sixty, was amended by striking out the words "ten days," and inserting in lieu thereof the words "twenty days prior to the day of sale."

On motion of Mr. Evans, section one, line two hundred and sixty-four, was amended by inserting after the word "published," "and the sheriff shall pay over to the proper officer all moneys received from any such sale."

On motion of Mr. Evans, section one, line two hundred and sixty-nine, was amended by inserting after the word "county," "and with intent to evade the payment of the tax on such occupation as prescribed by this act."

[Mr. Schutze in the chair.]

Mr. Robertson moved to amend section one, line two hundred and fifty-six, by striking out the words "one year," and inserting in lieu thereof, "three months, or for such period as the same may be due."

Mr. Tegener moved to adjourn. Lost.

The question recurring on the adoption of the amendment, it was adopted.

Mr. McLean moved to amend by striking out the words, "For selling spirituous, vinous, malt and other intoxicating liquors, in quantities less than one quart, one hundred and fifty dollars," and inserting in lieu thereof the following: "For selling whisky, brandy, gin, or any kind of distilled spirits, or any decoction into which spirits enter as a constituent part, under the name of bitters, or under any other name, in less quantities than a quart, one thousand dollars; and for selling vinous, malt and other intoxicating liquors, in less quantities than a quart, one hundred dollars."

Mr. Morrison rose to a question of privilege and apologised to the House for any unparliamentary language he might have used.

A message was received from the Senate by the Secretary, transmitting Senate bill No. 486, to be entitled "An act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature," asking the concurrence of the House thereto.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being first on the adoption of the amendment offered by Mr. McLean, the House refused to adopt the amendment.

The question then recurring on ordering House bill No. 729 to be engrossed and passed to its third reading, it was so ordered.

Mr. Slaughter moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

On motion of Mr. Evans, the rules were suspended and House bill No. 729 read the third time.

Mr. McLean moved to amend section one, line sixty-six, by inserting after the words "boarding house," the words, "in any city, town or village." Adopted, two-thirds of the members voting for the same.

House bill No. 729 then passed by the following vote:

Yeas—Messrs. Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Evans, Gardiner, George, Gaston, Hamilton, Haswell, Johnson, Kendall, Locke, Lyons, Manning, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—39.

Nays—Messrs. Abbott of Hill, Austin, Booty, Cole, Grothaus, Harn, Hawkins, Jenkins, Kyle, Lacy, Leonard, McKee of Fannin, McLean, Posey, Robertson, Ross, Self, Simmons, Slaughter, Smyth, Stirman, Tegener, Zoeller—23.

The title of the bill was agreed to.

By unanimous consent Mr. Zoeller introduced a bill (House bill No. 777) to be entitled "An act further to amend 'an act to provide for districting the State of Texas into judicial districts,' approved July 20, 1870," which was read the first time.

The Speaker announced that he had appointed temporarily on the Committee on Commerce and Manufactures Messrs. J. W. Johnson and Spencer, in place of Messrs. C. L. Abbott and Franks, who are absent.

On motion of Mr. Zoeller the rules were suspended, and House bill No. 777 read the second time.

On motion of Mr. Grothaus, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 777 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus the rules were further suspended, House bill No. 777 read the third time, passed and its title agreed to.

Mr. Morris moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

On motion of Mr. Burley the rules were suspended to allow him to offer the following resolution :

Resolved, That there shall be appointed by the Speaker of the House, upon recommendation of the chairman of the respective committees, clerks to the following committees, viz : Internal Improvements, Commerce and Manufactures, Finance, Education and Immigration, which clerks shall also serve all the other committees :

Resolved, further, That the pay of said clerks shall be at the rate of eight dollars per day until the close of this session.

Resolution read first and second times.

Mr. Hawkins moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Cole, Cox, Dorris, Evans, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lacy, Leonard, McKee of Fannin, McLean, Miller, Morris, Morrison, Posey, Robertson, Robinson, Ross, Schlickum, Self, Sheriff, Simmons, Smyth, Stirman, Van Noy, Williams of Colorado, Williams of Walker, Zapp, Zoeller—36.

Nays—Messrs. Richard Allen, Burley, Camp, Cotton, Dupree, Gardiner, Grothaus, Johnson, Kendall, Locke, Lorange, Lyons, Manning, Medlock, Mitchell, Moore of Harrison, Patton, Pierson, Plumley, Schlotman, Schutze, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, York, Youngkin—28.

So the resolution was laid on the table.

On motion of Mr. Morris the House at 12:40 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, September 29, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Davis and Prissick.

Mr. Dupree moved to dispense with the reading of the journal of yesterday. Lost.

The journal of yesterday was then read and adopted.

On motion of Mr. Locke the rules were suspended, and House bill No. 405, to be entitled "An act to amend 'an act prescribing the times of holding the district courts in the several judicial districts of the State,'" was taken up out of its regular order.

On motion of Mr. Locke the House agreed to the following Senate amendments: "Amend by striking out sections two and three," and the Chief Clerk dispatched to the Senate to inform that body of the action of the House.

UNFINISHED BUSINESS,

Viz: House bill No. 776, to be entitled "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871." The question being, on the twenty-sixth instant, at the time of adjournment, on the motion of Mr. Evans to suspend the rule requiring all bills making an appropriation to be referred to a committee of the whole House, the rule was suspended.

House bill No. 776 was then read.

Mr. Schutze moved that the further consideration of House bill No. 776 be postponed and made the special order for Saturday next at 11 o'clock A. M., and that one hundred copies be printed for the information of the House. Lost.

House bill No. 776 was then ordered to be engrossed and passed to its third reading.

Mr. Evans moved a suspension of the rules to put House bill No. 776 on its third reading and final passage. Rules not suspended.

By unanimous consent, Mr. Zoeller introduced a bill (House bill No. 778) to be entitled "An act prescribing the times of holding the district courts in the Twenty-sixth Judicial District," which was read the first time.

The Chief Clerk was dispatched to the Senate with the following bills: House bills Nos. 707 and 777, asking the concurrence of that body in the same.

On motion of Mr. Tegener the rules were suspended and House bill No. 778 was read the second time.

On motion of Mr. Zoeller, the rule requiring all bills on their second reading to be referred to committees was suspended in this case.

Mr. Chambers moved a call of the House. Call not sustained.

Mr. Lyons moved to adjourn. Lost.

Mr. Zoeller moved a call of the House. Call sustained.

Mr. Grothaus moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Bonner, Camp, Cotton, Cox, Evans, Grothaus, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lacy, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Morris, Moore of Red River, Robb, Robinson, Schlickum, Schutze, Self, Sheriff, Simmons, Slaughter, Smyth, Spencer, Tinsley, Young—33.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Burley, Chambers, Cole, Dorris, Dupree, George, Gaston, Johnson, Kendall, Locke, Manning, Mitchell, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robertson, Ross, Schlotman, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—35.

So the House refused to adjourn.

On motion of Mr. Harn, the call of the House was suspended.

A message was received from the Senate, returning enrolled House bills Nos. 719, 699, 695 and 371, signed by the President in open session.

Also, transmitting for the concurrence of the House, Senate bills No. 465, to be entitled "An act to amend an act entitled 'an act to incorporate the Island City Real Estate and Homestead Association of Galveston.'"

No. 469, to be entitled "An act to carry into effect section ten of article twelve of the Constitution concerning a change of venue;" and No. 475, "An act to amend the third section of 'an act to incorporate the Carthage Branch Railway Company.'"

On motion of Mr. Evans, section two of House bill No. 778 was amended by striking out all down to and including the word "and."

House bill No. 778 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Zoeller, the rules were further suspended, House bill No. 778 was read the third time, passed and its title agreed to.

PETITIONS AND MEMORIALS.

Mr. Robertson presented a petition from the citizens of Bremond, asking a repeal of the act of incorporation, which was read and referred to the Committee on Town and City Corporations.

Mr. Plumley presented the petition of R. D. Johnson, in relation to the tax law, which was read and referred to the Committee on Finance.

Mr. Tegener presented a petition from the citizens of New Braunsfels, Comal county, which was read and referred to the Committee on Roads, Bridges and Ferries.

Mr. Schutze presented a petition from the citizens of Bastrop county, for the formation of a new county, which was read and referred to the Committee on Counties and County boundaries.

REPORTS OF COMMITTEES.

Mr. Stockbridge, Chairman of the Committee on Engrossed bills, submitted the following reports :

COMMITTEE ROOM,
Austin, Sept. 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Engrossed Bills ask leave to report, that they have carefully examined House bills, No. 777, to be entitled "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
ROBINSON.

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Engrossed Bills have carefully examined House bill No. 707, entitled "An act to incorporate the South-western Sleeping Car Company," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
W. G. ROBINSON.

Reports accepted.

Mr. Grothaus, Chairman of the Committee on Commerce and Manufactures, submitted the following report :

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 725, to be entitled "An act for the regulation of pilots," after careful consideration beg leave to recommend the passage of the bill with the following amendments:

Strike out in section two after the word "authorized" the words "if they deem advisable to," and insert the words "to and shall."

In section ten after the words "in a state of inebriety," insert "or shall be guilty of gross misconduct while in charge of any vessel."

In section seven after the words "for mere loss of time" insert the words "*provided further*, that any pilot who shall be guilty of unnecessarily detaining any vessel after having boarded the same, through any negligence or any other cause to the damage of said vessel and owners, shall upon proof of the same before any court of competent jurisdiction, be required to pay the amount of damage thereby sustained by said vessel and owners, and may be removed from office in manner as provided by section two of this act."

Your committee to whom also was referred House bill No. 641, to be entitled "An act to amend an act entitled 'an act for the regulation of pilots,' passed April 17, 1846," beg leave to recommend that said bill be laid upon the table.

Respectfully,

F. E. GROTHAUS, Chairman,
GEO. SPENCER,
HENRY MOORE,
G. W. PATTON,
J. W. JOHNSON,
R. ALLEN.

On motion of Mr. Grothaus the amendments recommended by the committee were adopted.

House bill No. 725 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Plumley the rules were suspended and House bill No. 725 was read the third time, passed, and on motion of Mr. Evans the title was amended by inserting before the word "regulation" the words "appointment and." As amended the title was agreed to.

On motion of Mr. Grothaus, House bill No. 641 was, in accord-

ance with the recommendation of the Committee on Commerce and Manufactures, laid on the table.

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 771, to be entitled "An act to incorporate the Star Mining and Transportation Company," after due consideration beg leave to report the same back and recommend its passage, without amendment.

Respectfully,

F. E. GROTHAUS, Chairman,
GEO. SPENCER,
H. MOORE,
G. W. PATTON,
J. W. JOHNSON,
R. ALLEN.

House bill No. 771 was then read, ordered to be engrossed, and passed to its third reading.

On motion of Mr. Grothaus, the rules were suspended, and House bill No. 771 was read the third time, passed and its title agreed to.

Mr. Schutze, Chairman of the Committee on Education, submitted the following report:

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 723, to be entitled "An act to amend an act to prohibit the sale of spirituous, vinous, or other intoxicating liquors, within five miles of the public square in the town of Alvarado, Johnson county," have duly considered the same, and beg leave to report it back with the recommendation that it do pass.

Respectfully,

JULIUS SCHUTZE, Chairman,
GARDINER,
COLE,
SMYTH,
YOUNGKIN,
PLUMLEY,
BURLEY.
PIERSON.
H. C. ELLIS.

House bill No. 723 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Ross, the rules were suspended and House bill No. 723 was read the third time, passed and its title agreed to.

Mr. Camp, Chairman of the Committee on Public Lands and Land Office, submitted the following reports :

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 732, to be entitled "An act validating certain land certificates," have considered, with much care, the provisions of the same, and herewith return it with the recommendation that it do pass.

CAMP, Chairman,
ZAPP,
R. WILLIAMS,
POSEY,
LYONS,
LACY,
COLE.

House bill No. 732 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Zoeller, the rules were suspended, and House bill No. 732 read the third time, passed and its title agreed to.

Mr. Evans moved a suspension of the rules to allow the Judiciary Committee to report. Lost.

Mr. Camp also submitted the following reports :

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Public Land and Land Office find, among the papers referred to them, a petition from the Police Court of Lavaca county and citizens of the same, asking the relinquishment of the State taxes to said county for the year 1872, and also a petition from J. J. Woodson, of Houston county, alleging the burning of his store house and goods on the first of January last, and praying to be relieved from rendering in his stock to the tax assessor, which he had on hand the day of the burning. Believing

that said petitions have found their way into the possession of the committee through mistake, the same are herewith returned to the House for reference to the appropriate committee.

ZAPP, Chairman *pro tem.*,
POSEY,
LACY,
R. WILLIAMS,
LYONS,
COLE.

Report accepted and petitions referred to the Committee on Finance.

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Land and Land Office, to whom was referred House bill No. 724, to be entitled "An act authorizing and requiring the surveyor of Dallas county to transcribe certain records of his office, and to make a general index of the records," having considered the same, herewith return the bill to the House and respectfully recommend its passage.

CAMP, Chairman,
LYONS,
ZAPP,
LACY,
POSEY,
R. WILLIAMS,
COLE.

House bill No. 724 was then read and ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee to whom was referred House bill No. 773, entitled "An act authorizing the transcribing of the surveyor's records of Comanche county," have examined the same and respectfully recommend that the bill do pass.

CAMP, Chairman,
LYONS,
B. WILLIAMS,
LACY,
ZAPP,
POSEY,
COLE.

House bill No. 773 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Posey, the rules were suspended and House bill No. 773 was read the third time, passed, and its title agreed to.

On motion of Mr. Lorance the rules were suspended and House bill No. 225, to be entitled "An act to prohibit the sale of intoxicating liquors within certain limits of the high school at Edom, in Van Zandt county, Texas," was taken up out of its regular order.

On motion of Mr. Lorance the House agreed to the following Senate amendment: Amend section one, line three, by striking out the word "make."

On motion of Mr. Schutze the rules were suspended to allow Mr. Johnson, Chairman of the Committee on Finance, to offer the following majority and minority reports:

COMMITTEE ROOM, }
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: A majority of your Committee on Finance, to whom was referred Senate bill No. 437, entitled "An act to regulate in part the receipt and disbursement of public money," having carefully examined the same, recommend that it do pass.

J. D. GEORGE,
AD. ZOELLER,
R. ALLEN.

COMMITTEE ROOM, }
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The undersigned member of your Committee on Finance, to whom was referred Senate bill No. 437, to be entitled "An act to regulate in part the receipt and disbursement of public money," respectfully dissenting from the opinion of the majority of said committee, make the following report:

Your minority are of the opinion that the bill in justice should not pass, for the reason, first, that he believes it unconstitutional, as section one of the bill provides that "all warrants on the Treasury now outstanding, or hereafter to be issued, payable at the Treasury, shall be received by the Treasurer of this State from collectors of public funds and taxpayers and credited to their accounts as money." Your minority deems and is of this opinion, that this would cause "Treasury warrants" to circulate as money, which is prohibited by the Constitution (see section six, article twelve).

Your minority deems the bill unconstitutional in this too, that the effect of passing a bill with the above proviso would be to make the tax collectors (sheriffs) instead of the State Treasurer, the officers "to pay off public creditors" when section twelve of article four especially provides that "the Treasurer of the State shall pay off the public creditors upon the warrant of the Comptroller of Public Accounts;" and even if the bill was in every respect constitutional, the effect of it would be unjust, as only a limited number of the taxpayers of the State have warrants on the Treasury, perhaps not one out of every three hundred holds a warrant against the Treasury, and of course in all parts of the State remote from the Capitol, no warrants would be paid to sheriffs, and hence the effect would be of requiring some men to pay money, and favor others who could and would avail themselves of paying in the warrants.

There are a very small proportion of the citizens whose tax would be as much as even the smallest warrants issued by the Comptroller. The enormity of this bill, though, cannot be understood except by examining the second section in connection with the first. The second section provides "that sheriffs and all other parties having payments to make to the State Treasurer shall pay the same in person or by agent, directly to the Treasurer on the proper deposit warrant, which deposit warrant the Comptroller of Public Accounts is hereby required to give in all cases when demanded." Which last section in connection with the first, take away the control of the fiscal affairs of the State from the Comptroller and Treasurer, and places it entirely in the hands of sheriffs and their agents. It would enable each and every person who had a friend in the office of sheriff to collect his warrants, when others, to whom the sheriff was not friendly, could not get his money, thus making the effect of law favor individuals instead of the people at large; isolated creditors instead of leaving the matter as it is. Now all have an equal chance in collecting their warrants.

The bill would also have the effect to stop the entire departments of the State government, as it cannot be for a moment contended that the State taxes of the county of Travis and the immediate surrounding counties would be sufficient to pay off the expense of the Land Office, Comptroller's office, Treasurer's office, Supreme Court, Lunatic, Blind, and Deaf and Dumb Asylums, let alone the Executive and Adjutant General's departments, and no one could possibly suppose that there would ever again be a single cent paid into the Treasury of the State until all outside indebtedness now due by warrant was paid off. And no one can imagine for a moment that any sheriff would settle in person

except those living in the counties immediately surrounding the capital. But all know that the sheriffs living in any and all the counties any ways distant from the capital would settle through the bankers of the city of Austin, and, of course, no money would ever be paid in the treasury by them (the bankers) as long as they could buy treasury warrants for less than their full value, let alone when they are only rating at about seventy-five cents on the dollar, and no money would at all be paid in unless by the few sheriffs in the immediate counties who might settle in person.

Then again the bill is wrong, as it gives the entire control of the State's finances into the hands of the sheriffs and their agents (the bankers) and if disposed so to do, the agents of the sheriffs can hold up the money, and buy warrants at whatever price they desire, and require and pay them into the treasury. The bill, in the opinion of your minority, favors and fosters fraud, and encourages public officers to speculate through their agents in the funds of the State. And it would, if passed, immediately have the effect of stopping every department of the Government, turn loose the lunatics out of their asylum, and the blind and deaf and dumb out of theirs, for the reason that the bill favored speculators instead of the unfortunate.

For which reasons your minority humbly pray the House to reject the bill.

J. W. JOHNSON.

Senate bill No. 437 was then read.

Mr. Jo. Abbott moved to strike out the word "agent" and insert in lieu thereof the word "deputy."

Mr. Plumley moved to postpone the further consideration of Senate bill No. 437 and make it the special order for Monday next at 11 o'clock A. M.

On motion of Mr. Johnson, the House, at 1 o'clock P. M., adjourned until to-morrow at 10 o'clock A. M.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, September 30, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No quorum present.

Mr. Grothaus moved a call of the House. Call not sustained.

Quorum present.

Absent, not excused—Messrs. Jo. Abbott, Davis, Gardiner, Morrison, Prissick.

On motion of Mr. R. L. Moore, the reading of the journal of yesterday was dispensed with.

The Speaker laid before the House the following communication:

GALVESTON, TEXAS, Sept. 26, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Permit me, through you, to transmit to the House of Representatives, now in session at Austin, my resignation of the Chaplaincy of that body, the same to take effect from last Saturday. Circumstances have made this necessary. I wish you also to convey to both officers and members the assurance of my appreciation of the kindness and courtesy that, without exception, has been extended to me in all my personal relations with that honorable body.

Still praying that all its deliberations may be guided and overruled by Divine Wisdom,

I remain, most truly, etc.,

BENJ. A. ROGERS.

Resignation accepted.

UNFINISHED BUSINESS

Viz: The motion of Mr. Plumley to postpone the consideration of Senate bill No. 437, to be entitled "An act to regulate in part the receipt and disbursement of public money," until Monday next at 11 o'clock A. M., and to make it the special order for that time. Lost.

The question then recurring on the motion of Mr. Jo. Abbott to strike out the word "agent," and insert in lieu thereof the word "deputy," the House refused to adopt the amendment.

Mr. Grothaus, Chairman *pro tem.* of the Committee on Enrolled Bills submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined the following House bill, No. 709: "An act to amend an act entitled 'an act to incorporate the Bank of Cleburne,' approved May 25, 1871," and find the same correctly enrolled.

GROTHAUS, Chairman *pro tem.*,
POSEY.

Report accepted and the Chief Clerk dispatched to the Senate with House bill No. 709 for the signature of the President of that body, which was signed in open session by the President and returned.

Mr. R. L. Moore moved to amend by substituting the following for section 111: "That this act shall be in force for one hundred and eighty days from and after its passage."

Mr. Evans moved to postpone the further consideration of Senate bill No. 437 until Monday next at 10 o'clock A. M.

Chair ruled the motion not in order, which decision was sustained by the House.

Mr. Evans moved to postpone the further consideration of the bill until 11 o'clock A. M. on Tuesday next.

The Chair decided that a second motion to postpone to a day certain, on the same day, at the same stage of the bill, was not in order.

Messrs. Evans and Zapp appealed from the decision of the Chair.

The question recurring, "Shall the decision of the Chair stand as the decision of the House?" the decision of the Chair was sustained.

Mr. Slaughter moved the previous question. Previous question seconded. The question being "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Bonner, Camp, Cole, Cotton, Dupree, Ellis, Hamilton, Kendail, Lacy, Leonard, Lorange, Lyons, Manning, McKee of Fannin, Medlock, Mitchell, Moore of Harrison, Pierson, Robinson, Ross, Schlotman, Schutze, Sheriff, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Young, Youngkin, Zoeller—36.

Nays—Messrs. Austin, Booty, Chambers, Dorris, Evans, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Johnson, Kyle, Locke, McLean, Morris, Moore of Red River,

Patton, Posey, Robb, Robertson, Schlickum, Self, Simmons, Smyth, Williams of Colorado, Williams of Walker, York, Zapp—30.

So the main question was ordered.

The main question being first on the adoption of the amendment offered by Mr. R. L. Moore, the House refused to adopt the amendment.

The question then recurring on ordering Senate bill No. 437 to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Austin, Booty, Bonner, Camp, Cole, Cotton, Dorris, Dupree, Ellis, Hamilton, Kendall, Lacy, Leonard, Lorance, Lyons, Manning, McKee of Fannin, Moore of Harrison, Pierson, Robb, Robertson, Robinson, Ross, Schlotman, Schutze, Sheriff, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Young, Youngkin, Zoeller—39.

Nays—Messrs. Chambers, Evans, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Johnson, Kyle, Locke, McLean, Medlock, Mitchell, Morris, Moore of Red River, Patton, Posey, Schlickum, Self, Simmons, Smyth, Williams of Colorado, Williams of Walker, York, Zapp—27.

So Senate bill No. 437 was ordered to its third reading.

Senate bill No. 437 was then read the third time.

[Mr. Tegener in the chair.]

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM, }
Austin, Sept. 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have this day presented to the Governor, for his approval, the following enrolled House bills: No. 719, entitled "An act for the relief of the estate of Charles Garnet, deceased;" No. 699, entitled "An act to amend the third section of an act entitled 'an act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870, approved March 4, 1871;" No. 695, entitled "An act to amend an act entitled 'an act to incorporate the city of Brenham,' and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter, approved May 6, 1871;" and No. 371, entitled "An act to incorporate the Navasota Hebrew Benevolent Society."

GEO. T. HASWELL, Chairman.

COMMITTEE ROOM, }
Austin, Sept. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Enrolled Bill ask leave to report that they have this day presented to the Governor for his approval House bill No. 709, " An act to amend an act entitled ' an act to incorporate the Bank of Cleburne,' approved May 25, 1871."

GEO. T. HASWELL, Chairman.

Reports accepted.

[Speaker resumed the chair.]

Mr. Evans moved that the further consideration of Senate bill No. 437 be postponed until next Monday at 11 o'clock A. M., upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, Booty, Chambers, Dupree, Evans, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kendall, Kyle, Locke, Lyons, McLean, Medlock, Mitchell, Morris, Moore of Red River, Patton, Plumley, Robb, Self, Sheriff, Simmons, Smyth, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—35.

Nays—Messrs. H. R. Allen, Austin, Burley, Camp, Cole, Cotton, Dorris, Ellis, Lacy, Leonard, Lorange, McKee of Fannin, Moore of Harrison, Pierson, Posey, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Slaughter, Spencer, Stirman, Stockbridge, Tinsley, Van Noy, Weaver, Young, Zoeller—30.

So Senate bill No. 437 was postponed.

Mr. Booty moved a suspension of the rules to allow him to introduce a bill. Lost.

Mr. Slaughter moved that the House adjourn until Thursday next at 10 o'clock A. M., upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, Camp, Dorris, Haswell, Manning, Mitchell, Patton, Slaughter, Tegener, Zoeller—10.

Nays—Messrs. Austin, Booty, Burley, Chambers, Cole, Cotton, Dupree, Ellis, Evans, George, Gaston, Grothaus, Hamilton, Harn, Hawkins, Jenkins, Kendall, Kyle, Lacy, Leonard, Locke, Lyons, McKee of Fannin, McLean, Medlock, Morris, Moore of Harrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp.—53.

So the House refused to adjourn.

On motion of Mr. Schutze the rules were suspended to allow Mr.

Stockbridge, Chairman of the Committee on Engrossed Bills, to submit the following report :

COMMITTEE ROOM, }
Austin, Sept. 30. 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bills No. 723, entitled "An act to amend an act entitled 'an act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of the public square in the town of Alvarado, Johnson county, Texas,' approved November 10, 1866;" No. 729, entitled "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" No. 771, entitled "An act to incorporate the Star Mining and Transportation Company;" No. 776, entitled "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman.
ROBINSON.

Report accepted.

Mr. Evans moved to suspend the rules to take up out of its regular order House bill No. 766.

On motion of Mr. Slaughter the House at 12 o'clock M adjourned until 10 o'clock A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 2, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No quorum present.

Absent, not excused—Messrs. H. R. Allen, Bonner, Cox, Davis, Dorris, Gardiner, Harn, Haswell, Manning, J. F. McKee, Miller, Patton, Plumley, Prissick, Schlickum, Schlotman, Schutze, Self.

On motion of Mr. Posey, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Johnson moved to excuse Mr. H. R. Allen from attendance under the call. Lost.

Mr. Locke moved to excuse Mr. Davis from attendance under the call on account of sickness. Lost.

Quorum present.

On motion of Mr. Leonard, the call of the House was suspended.

Mr. Zoeller moved to adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Tegener moved that Mr. Schutze be excused from attendance on the House to-day on account of sickness, upon which the yeas and nays were called for and resulted as follows :

Yeas—Mr. Speaker, Richard Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cotton, Dupree, Evans, George, Grothaus, Hamilton, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorance, Lyons, McKee of Fannin, McLean, Medlock, Morrison, Moore of Harrison, Moore of Red River, Pierson, Posey, Schlickum, Sheriff, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, York, Young, Youngkin, Zapp, Zoeller—49.

Nays—Messrs. Abbott of Hill, Ellis, Gaston, Harn, Mitchell, Morris, Robb, Robertson, Robinson, Ross, Williams of Walker—11.

So Mr. Schutze was excused.

Mr. Burley moved that the House adjourn until 10 o'clock A. M. Thursday, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, Burley, Camp, Cotton, Evans, George, Grothaus, Hamilton, Harn, Johnson, Locke, Lorance, Lyons, Morris, Morrison, Moore of Harrison, Robinson, Schlickum, Sheriff, Spencer, Tegener, Tinsley, Youngkin, Zoeller—24.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Dupree, Ellis, Gaston, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Medlock,

Mitchell, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Simmons, Smyth, Stirman, Stockbridge, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp—37.

So the House refused to adjourn.

Mr. Lane moved to dispense with the reading of Saturday's journal. Lost.

Journal of Saturday was then read and adopted.

On motion of Mr. Lane, Mr. Self was excused from attendance on the House to-day on account of sickness.

On motion of Mr. Harn, Mr. H. R. Allen was excused from attendance on the House to-day on account of sickness.

On motion of Mr. Stockbridge, Mr. Schlotman was excused from attendance on the House to-day on account of sickness.

UNFINISHED BUSINESS.

Viz: The motion of Mr. Evans to suspend the rules and take up out of its regular order House bill No. 776, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Austin, Booty, Burley, Chambers, Cole, Cotton, Dupree, Ellis, Evans, George, Gaston, Grothaus, Hamilton, Harn, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorance, Lyons Manning, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Robb, Robinson, Ross, Schlickum, Sheriff, Smyth, Spencer, Stockbridge, Tegenier, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—49.

Nays—Messrs. Abbott of Hill, Bonner, Camp, Hawkins, Jenkins, Moore of Red River, Pierson, Posey, Robertson, Simmons, Stirman, Van Noy, Young—13.

So the rules were suspended, two-thirds of the members present voting in the affirmative.

On motion of Mr. Chambers the further consideration of House bill No. 776 was postponed, and the bill ordered to be printed and made the special order for Thursday next at 11 o'clock A. M.

REPORTS OF COMMITTEES.

Mr. Robinson, Chairman of the Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM, {
Austin, Sept. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations to whom was referred House bill No. 772, to be entitled "An act to

incorporate the San Antonio Water Company," beg leave to report the same back and recommend its passage.

W. G. ROBINSON, Chairman,
LOCKE,
ROBERTSON,
BURLEY,
YOUNG,
BOOTY.

House bill No. 772 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Locke the rules were suspended and House bill No. 772 was read the third time, passed and its title agreed to.

On motion of Mr. Chambers, the rules were suspended to allow him to offer the following resolution:

WHEREAS, On the 14th of September, A. D. 1871, House bill No. 691, "An act to repeal an act entitled 'an act regulating public printing,'" was introduced, read first and second times and referred to the Committee on Printing and Contingent Expenses; and

Whereas, Some fourteen days have elapsed since said bill was introduced and referred; therefore,

Resolved, That the Committee on Printing and Contingent Expenses be instructed to report said bill back to this House with their action thereon on Thursday next at 11 o'clock A. M.

Resolution read first and second times, and on motion of Mr. Chambers it was adopted.

Mr. Pierson, Chairman *pro tem.* of the Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM, }
Austin, Sept. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 105, to be entitled "An act for the relief of the heirs of James C. Eccles, deceased," after due consideration, beg leave to report the same back and recommend its passage.

Respectfully,
W. C. PIERSON, Chairman *pro tem.*,
R. WILLIAMS,
B. B. LACY,
GEORGE H. SLAUGHTER,
F. SCHLICKUM.

Senate bill No. 105 was then read and ordered to its third reading.

Senate bill No. 105 was then read the third time, passed and its title agreed to.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Oct. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report, that they have carefully examined the following House bills, to-wit: No. 724, entitled "An act authorizing and requiring the Surveyor of Dallas county to transcribe certain records of his office, and to make a general index;" No. 732, entitled "An act validating certain land certificates;" No. 778, entitled "An act authorizing the transcription of the Surveyor's records of Comanche county;" No. 778, entitled "An act prescribing the times of holding the district courts in the Twenty-sixth Judicial District," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
W. G. ROBINSON.

Reports accepted.

BILLS.

Mr. Booty introduced a bill (House bill No. 779) to be entitled "An act to amend an act supplementary to 'an act to regulate the disposal of the public lands of the State of Texas,' approved March 24, 1871," which was read the first time.

On motion of Mr. Booty, the rules were suspended and House bill No. 779 was read the second time and referred to the Committee on Public Lands and Land Office.

Mr. Harn introduced a bill (House bill No. 780) to be entitled "An act to fix the venue in suits against railroads and other companies chartered by the Legislature of the State of Texas," which was read the first time.

On motion of Mr. Harn, the rules were suspended and House bill No. 780 was read the second time and referred to the Committee on Judiciary.

Mr. Harn also introduced a bill (House bill No. 781) to be entitled "An act for the relief of the heirs of Augustus W. Shipley," which was read the first time.

On motion of Mr. Harn the rules were suspended and House bill No. 781 was read the second time and referred to the Committee on Private Land Claims.

Mr. R. Williams introduced a bill (House bill No. 782) to be entitled "An act to prohibit the sale or other disposition of intoxicating liquors within certain limits of Midway Male and Female Academy, of Madison county, Texas," which was read the first time.

On motion of Mr. R. Williams the rules were suspended and House bill No. 782 was read the second time and referred to the Committee on Education.

Mr. R. Williams also introduced a bill (House bill No. 783) to be entitled "An act to incorporate the Midway Male and Female Academy, of Madison county," which was read the first time.

On motion of Mr. R. Williams the rules were suspended and House bill No. 783 was read the second time and referred to the Committee on Education.

Mr. Robinson moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Zapp introduced a bill (House bill No. 784) to be entitled "An act for the relief of pre-emption settlers in the Mississippi and Pacific Railroad Reserve," which was read the first time.

On motion of Mr. Posey the rules were suspended and House bill No. 784 read the second time and referred to the Committee on Public Lands and Land Office.

Mr. R. L. Moore moved a suspension of the rules to take up out of its regular order House bill No. 730, upon which the yeas and nays were called for, and upon the roll being called it was found that there was not a quorum of the members present.

On motion of Mr. B. F. Williams, the House, at 11 o'clock A. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 3, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No quorum present.

Mr. R. Allen moved that the House stand adjourned until tomorrow at 10 o'clock A. M., upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, Booty, Burley, Camp, Cotton, George, Hamilton, Kendall, Locke, Lorange, Lyons, McLean, Mitchell, Morris, Pierson, Robinson, Smyth, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Young, Youngkin—27.

Nays—Messrs. Abbott of Hill, Bonner, Chambers, Cole, Dupree, Evans, Grothaus, Hawkins, Jenkins, Johnson, Lane, Leonard, Manning, McKee of Fannin, Medlock, Moore of Harrison, Plumley, Robb, Robertson, Ross, Schlickum, Simmons, Slaughter, Stirman, Tegener, Weaver, Williams of Walker, York, Zapp, Zoeller—30.

So the House refused to adjourn.

Mr. Slaughter moved a call of the House. Call sustained.

Absent, not excused—Messrs. C. L. Abbott, H. R. Allen, Austin, Cox, Davis, Dorris, Ellis, Gardiner, Harn, Haswell, Kyle, Lacy, J. F. McKee, Morrison, R. L. Moore, Patton, Posey, Prissick, Schlotman, Schutze, Self, Sheriff.

Mr. Richard Allen moved that Mr. H. R. Allen be excused from attendance under the call. Lost.

Mr. Leonard moved that Mr. R. L. Moore be excused from attendance under the call. Lost.

Mr. Morris moved to suspend the call of the House. Lost.

Mr. Lane moved that the Sergeant-at-Arms be dispatched for the absentees, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Booty, Camp, Cole, Evans, George, Hawkins, Johnson, Lane, Leonard, Lorange, McKee of Fannin, Moore of Harrison, Pierson, Robertson, Ross, Simmons, Slaughter, Stirman, Tegener, Weaver, Williams of Walker, Young, Zapp, Zoeller—24.

Nays—Messrs. Abbott of Hill, Richard Allen, Bonner, Burley, Cotton, Dupree, Grothaus, Hamilton, Jenkins, Kendall, Locke, Lyons, Manning, McLean, Medlock, Mitchell, Morris, Plumley, Robb, Robinson, Schlickum, Smyth, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, York, Youngkin—29.

So the House refused to dispatch the Sergeant-at-Arms for the absentees.

HOUSE JOURNAL.

Mr. Morris moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Booty, Camp, Dupree, George, Grothaus, Kendall, Locke, Lorange, Lyons, McLean, Morris, Moore of Harrison, Robertson, Robinson, Slaughter, Smyth, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—25.

Nays—Messrs. Abbott of Hill, Bonner, Burley, Chambers, Cole, Cotton, Evans, Hamilton, Hawkins, Jenkins, Johnson, Lane Leonard, Manning, McKee of Fannin, Medlock, Mitchell, Pierson, Plumley, Robb, Ross, Schlickum, Simmons, Stirman, Tegener, Weaver, York, Young, Zapp—29.

So the House refused to adjourn.

Mr. Slaughter moved that the Sergeant-at-Arms be dispatched for the absentees, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Booty, Chambers, Cole, Evans, George, Hawkins, Jenkins, Johnson, Lane, Leonard Lorange, McKee of Fannin, Miller, Moore of Harrison, Pierson, Schlickum, Slaughter, Smyth, Stirman, Tegener, Weaver, Williams of Walker, York, Young, Zoeller—26.

Nays—Messrs. Richard Allen, Bonner, Burley, Camp, Cotton, Dupree, Grothaus, Hamilton, Kendall, Locke, Lyons, Manning, McLean, Medlock, Mitchell, Morris, Plumley, Robb, Robertson, Robinson, Ross, Simmons, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Youngkin, Zapp—29.

So the House refused to dispatch the Sergeant-at-Arms for the absentees.

Mr. Locke moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Camp, George, Grothaus, Hamilton, Kendall, Locke, Lorange, Lyons, Manning, McLean, Morris, Moore of Harrison, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Zoeller—19.

Nays—Messrs. Abbott of Hill, Booty, Bonner, Burley, Chambers, Cole, Cotton, Dupree, Evans, Hawkins, Jenkins, Johnson, Lane, Leonard, McKee of Fannin, Medlock, Miller, Mitchell, Pierson, Plumley, Robb, Robertson, Robinson, Ross, Schlickum, Simmons, Slaughter, Smyth, Stirman, Tegener, Weaver, Williams of Walker, York, Young, Youngkin, Zapp—36.

So the House refused to adjourn.

Mr. Morris moved that the House adjourn until 12 o'clock M.

to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, George, Grothaus, Hamilton, Kendall, Locke, Lyons, Manning, McLean, Medlock, Morris, Moore of Harrison, Robinson, Sheriff, Smyth, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Zoeller—21.

Nays—Messrs. Abbott of Hill, Booty, Bonner, Burley, Camp, Chambers, Cole, Cotton, Dupree, Evans, Hawkins, Jenkins, Johnson, Lane, Leonard, Lorange, McKee of Fannin, Miller, Mitchell, Pierson, Plumley, Robb, Robertson, Ross, Schlickum, Simmons, Slaughter, Stirman, Tegener, Weaver, Williams of Walker, York, Young, Youngkin, Zapp—35.

So the House refused to adjourn.

Mr. R. Allen moved a suspension of the call of the House. Call not suspended.

Mr. Zapp moved that the Sergeant-at-Arms be dispatched for the absentees, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Camp, Chambers, Cole, Evans, George, Grothaus, Hawkins, Johnson, Kendall, Lane, Leonard, Locke, Lorange, Miller, Moore of Harrison, Pierson, Robertson, Schlickum, Sheriff, Slaughter, Smyth, Tegener, Weaver, Williams of Walker, York, Young, Zapp, Zoeller—29.

Nays—Messrs. Richard Allen, Booty, Bonner, Burley, Cotton, Dupree, Hamilton, Harn, Jenkins, Lyons, Manning, McKee of Fannin, McLean, Medlock, Mitchell, Morris, Plumley, Robb, Robinson, Ross, Simmons, Spencer, Stirman, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Youngkin—28.

So the Sergeant-at-Arms was dispatched for the absentees.

[Mr. Slaughter in the chair.]

Mr. Locke moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, Booty, Burley, Camp, Cotton, Dupree, George, Grothaus, Hamilton, Kendall, Leonard, Locke, Lorange, Manning, McKee of Fannin, McLean, Medlock, Miller, Morris, Moore of Harrison, Plumley, Simmons, Slaughter, Smyth, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—34.

Nays—Messrs. Abbott of Hill, Bonner, Chambers, Cole, Evans, Harn, Hawkins, Jenkins, Johnson, Lane, Lyons, Mitchell, Pierson, Robb, Robertson, Robinson, Ross, Schlickum, Sheriff, Stirman, Tegener, Weaver, Zapp—22.

So the House, at 10:45 o'clock A. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 4, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No quorum present.

Absent, not excused—Messrs. C. L. Abbott, H. R. Allen, Bonner, Cox, Davis, Dorris, Gardiner, Johnson, Leonard, J. F. McKee, Miller, Morris, Patton, Plumley, Posey, Prissick, Robb, Schutze, Van Noy.

On motion of Mr. B. F. Williams, the House, at 10:5 o'clock, adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 5, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Cox, Davis, Dorris, Gardiner, Haswell, J. F. McKee, Patton, Prissick.

[Mr. Morrison in the chair.]

Mr. Slaughter moved that the reading of the journal of yesterday be dispensed with. Lost.

Journal of yesterday was then read and adopted.

On motion of Mr. Locke, Mr. Leonard was excused for non-attendance on yesterday.

On motion of Mr. Robinson, Mr. Morris was excused from attendance on yesterday.

On motion of Mr. Johnson, the absentees of yesterday were excused for non-attendance.

On motion of Mr. Slaughter, the absentees of the third instant were excused for non-attendance.

Mr. Evans moved a suspension of the rules to allow him to introduce a bill, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Burley, Camp, Cotton, Dupree, Ellis, Evans, George, Grothaus, Harn, Johnson, Kendall, Locke, Manning, McKee of Fannin, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Pierson, Robinson, Ross, Schlickum, Schlotman, Sheriff, Spencer, Stockbridge, Tege-

ner, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Gaston, Hawkins, Jenkins, Lacy, Lane, Leonard, McLean, Moore of Red River, Robb, Robertson, Self, Simmons, Slaughter, Smyth, Stirman—21.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

UNFINISHED BUSINESS.

The motion of Mr. R. L. Moore, to suspend the rules to take up out of its regular order House bill No. 730, to be entitled "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State and regulating the expenditures of moneys arising from the same," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Ellis, Evans, George, Gaston, Grothaus, Hawkins, Jenkins, Johnson, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, York, Young, Zapp—40.

Nays—Messrs. Richard Allen, Burley, Cotton, Dupree, Harn, Kendall, Locke, Manning, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Schlotman, Sheriff, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—22.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

PETITIONS AND MEMORIALS.

Mr. Hawkins presented a petition from the citizens of Ellis county, which was read and referred to the Committee on County and County Boundaries.

Mr. Mitchell moved a suspension of the rules to take up out of its regular order House bill No. 697, to be entitled "An act to incorporate the town of Caldwell, in Burleson county, Texas."

Rules suspended and House bill No. 697 was read the second time and referred to the Committee on Town and City Corporations.

Mr. Smyth moved a suspension of the rules to allow him to introduce a bill. Lost.

Mr. Miller moved a suspension of the rules to take up out of its regular order House bill No. 744, to be entitled "An act supplemental to 'an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern Branch,' passed August 2, 1870." Motion lost.

Mr. Johnson moved a suspension of the rules to allow him to introduce a bill, upon which the yeas and nays were called for and resulted as follows :

Yeas—Mr. Speaker, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Dupree, Ellis, Evans, Grothaus, Harn, Johnson, Kendall, Locke, Lorange, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Pierson, Plumley, Robinson, Ross, Schlickum, Schlotman, Sheriff, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—39.

Nays—Messrs. Abbott of Hill, Booty, Bonner, Chambers, Cole, George, Gaston, Hawkins, Jenkins, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Robb, Robertson, Self, Simmons, Slaughter, Smyth, Stirman, Weaver—25.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

Mr. Jo. Abbott moved a suspension of the rules to take up out of its regular order Senate bill No. 437, to be entitled "An act to regulate in part the receipt and disbursement of public money," upon which the yeas and nays were called for and resulted as follows :

Yeas—Mr. Speaker, Abbott of Hill, Austin, Booty, Bonner, Cole, Dupree, Ellis, Gaston, Lacy, Lane, Leonard, Lorange, McKee of Fannin, McLean, Pierson, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Young, Zeeller—36.

Nays—Messrs. Richard Allen, Camp, Chambers, Cotton, Evans, George, Grothaus, Harn, Hawkins, Jenkins, Johnson, Kendall, Locke, Lyons, Manning, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Plumley, Tinsley, Williams of Walker, York, Youngkin, Zapp—28.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

REPORTS OF COMMITTEES.

Mr. Grothaus, Chairman *pro tem.* of the Committee on Judiciary, submitted the following report:

COMMITTEE ROOM,
Austin, Sept. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 740, to be entitled "An act to amend section three of an act concerning divorce and alimony, approved January, 1840," having had the same under consideration, ask leave to report it back and recommend its passage.

Respectfully submitted,

F. E. GROTHAUS, Chairman *pro tem.*,
W. J. LOCKE,
ROBERT ZAPP,
GEORGE,
JOHN H. MORRISON.

House bill No. 740 was then read.

Mr. Slaughter moved to amend section one by striking out the words "three years," and inserting in lieu thereof the words "one year." Lost.

Mr. Slaughter moved to amend section one by striking out the words "three years," and inserting in lieu thereof the words "two years," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Austin, Bonner, Camp, Cotton, Dupree, Ellis, Evans, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, Manning, Medlock, Mitchell, Morris, Moore of Harrison, Pierson, Plumley, Robinson, Schlickum, Schlotman, Sheriff, Slaughter, Spencer, Tegener, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Abbott of Hill, Booty, Chambers, Cole, George, Gaston, Grothaus, Hawkins, Jenkins, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Robb, Robertson, Ross, Schutze, Self, Simmons, Smyth, Stirman, Stockbridge, Tinsley, Weaver—23.

So the amendment was adopted.

Mr. Hawkins moved to amend the bill by striking out the words "insane" and "insanity" wherever they occur in the bill.

Mr. Morris moved to lay the amendment on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Bonner, Chambers, Cole, Ellis, George, Gaston, Harn, Hawkins, Johnson, Lacy, Lane, Leonard, Lyons, Manning, McKee of Fannin, McLean, Miller, Morris, Morrison, Moore of Red River, Robb, Robertson, Robinson,

Ross, Schlickum, Schlotman, Self, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Weaver, Young, Youngkin, Zapp—39.

Nays—Messrs. Richard Allen, Booty, Burley, Cotton, Dupree, Evans, Grothaus, Hamilton, Jenkins, Kendall, Locke, Lorance, Medlock, Mitchell, Moore of Harrison, Pierson, Plumley, Schutze, Sheriff, Slaughter, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Zoeller—26.

So the amendment was laid on the table, taking with it House bill No. 740.

COMMITTEE ROOM,
Austin, Sept. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 712, to be entitled "An act to validate the acts of deputies of justices of the peace," having duly considered the same, respectfully report it back and recommend its passage.

Respectfully,

F. E. GROTHAUS, *Chm. pro tem.*

W. J. LOCKE,

ROBERT ZAPP.

J. D. GEORGE,

JOHN H. MORRISON.

House bill No. 712 was then read.

Mr. Johnson moved to lay House bill No. 712 on the table.
Lost.

Mr. Grothaus moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Bonner, Burley, Cotton, Dupree, George, Grothaus, Hamilton, Harn, McLean, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Robb, Ross, Smyth, Stockbridge, Youngkin—19.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Ellis, Evans, Gaston, Hawkins, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lorance, Lyons, Manning, McKee of Fannin, Medlock, Miller, Morris, Pierson, Plumley, Robertson, Robinson, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Slaughter, Spencer, Stirman, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—46.

So the House refused to adjourn.

House bill No. 712 was then ordered to be engrossed and passed to its third reading.

Mr. Locke moved a suspension of the rules to put House bill No. 712 on its third reading and final passage, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Booty, Camp, Chambers, Ellis, Grothaus, Leonard, Locke, Manning, McLane, Miller, Morrison, Pierson, Plumley, Robertson, Robinson, Ross, Schlickum, Schlotman, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Weaver, York, Young, Zapp, Zoeller—29.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Bonner, Burley, Cole, Cotton, Dupree, Evans, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Johnson, Kendall, Lacy, Lane, Lorange, Lyons, McKee of Fannin, Medlock, Mitchell, Morris, Moore of Harrison, Moore of Red River, Robb, Schutze, Self, Sheriff, Spencer, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Youngkin—37.

So the rules were not suspended; two-thirds of the members present not voting in the affirmative.

On motion of Mr. Burley, the House, at 11 o'clock A. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, Oct. 6, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Mr. moved that the reading of the journal of yesterday be dispensed with. Lost.

Journal of yesterday was then read and adopted.

The Chair laid before the House the following communications:

HEADQUARTERS STATE OF TEXAS,
OFFICE OF ADJUTANT GENERAL AND CHIEF OF POLICE, }
AUSTIN, TEXAS, Oct. 3, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR:—I have the honor to acknowledge the receipt, on the thirtieth ult., of a resolution passed by the House of Representatives, State of Texas, requiring James Davidson, Adjutant General and Chief of Police, “to furnish a statement of the amount of money collected by way of fines and taxes or penalties in the counties of Hill and Walker while said counties were under martial law, and also a statement, in detail, of the expenditure and disposition of the same,” and in reply would respectfully enclose the following papers:

Copy of account current of Capt. A. D. Evans, Paymaster, State of Texas, showing the amount of fines collected in Hill county January 17, 1871—exhibit marked A; copy of abstract of disbursements, in detail, by Capt. A. D. Evans, Paymaster, State of Texas, on account of Hill county—martial law, exhibit marked B; copy of statement of receipts (fines and taxes) and expenditures, collected and disbursed by James Davidson, Adjutant General, in Walker county, Texas—exhibit marked C. The original of the above mentioned accounts are filed in the Comptroller's Office. I also enclose a statement (marked D) of claims against Walker county, which so far have not been paid for lack of funds.

I would also state for the information of your honorable body, that Gen. James Davidson has paid out of his private funds some claims against Hill and Walker counties, the amount of which cannot be exactly stated during his absence, as the vouchers are filed in his safe.

I have the honor to be,

Very respectfully, your obedient servant,
HENRY ORSAY, Chief Clerk.

[Exhibit A.]

The State of Texas in account current with Alfred D. Evans, Paymaster, State of Texas, on account of receipt of fines collected during existence of martial law in Hill county, Texas, and expenditures on account of same.

DATE.		AMOUNT.	DATE.		AMOUNT.
1871			1871		
March 15	To disbursements as shown by accompanying abstract....	\$2,855 67	Jan. 17	By amount of fines collected from Col. J. J. Gathings: Currency.....\$1,765 Coin .....\$1,000 Exch. to cur'y 100—1,100	
	To balance remaining on hand.	9 33			\$2,865 00
		<u>\$2,865 00</u>			<u>\$2,865 00</u>

I certify that the above exhibits a true account of all moneys which have come into my hands on account of the above collections, and that the disbursements have been faithfully made.

(Signed)

ALFRED D. EVANS, Paymaster.

A true copy:

JAMES DAVIDSON, Adjutant General.

Per HENRY ORSAY, Chief Clerk.

[Exhibit B.]

Abstract of disbursements made on account of declaration of martial law in Hill county, Texas, by Alfred D. Evans, Paymaster State of Texas, to and for the account of Company "H," Sixth Regiment State Guards:

To whom paid.	On what account.	Amount.
Sanford Johnson.....	Forage.....	\$68 32
E. H. Napier.....	Forage and tolls.....	115 36
Wm. Swain.....	Forage.....	28 00
J. W. Donson.....	Forage.....	19 60
Col. Jas. Davidson, Adj. Gen.	Traveling expenses....	132 00
J. W. Dickenson, Lt. Col....	Services and mileage..	101 85
J. M. Gibbs, Col. S. M.....	Services and mileage..	136 00
E. H. Napier.....	Services.....	27 35
Pay roll, Co. "H".....	Commutation of rations.	202 50
Pay roll, Co. "H".....	Services.....	1093 80
E. H. Napier.....	Forage.....	220 50
J. W. Rich.....	Horse hire.....	33 00
A. D. Evans, Paymaster.....	Traveling expenses....	8 00
L. Newstadter & Co.....	Rations	658 19
W. Yowell.....	Tolls	11 20
Total.....	.....	\$2855 67

I certify the above account to be correct,

(Signed)

ALFRED D. EVANS,
Paymaster.

Approved:

(Signed)

EDMUND J. DAVIS,
Governor of Texas.

A true copy:

JAMES DAVIDSON, Adjutant General.
Per HENRY ORSAY, Chief Clerk.

[Exhibit C.]

Statement of moneys collected and disbursed on account of martial law in Walker county, Texas, by James Davidson, Adjutant General, State of Texas.

RECEIPTS.

Amount of tax collected by J. F. Kelly.....	\$296 80
Amount of tax collected by H. M. Gantt.....	600 81
Amount of tax collected by M. Butler.....	406 68
Amount of tax collected by W. H. Webb.....	1,062 79
Amount of tax collected by L. A. Cox.....	478 43
Amount of tax collected by R. M. Bankhead.....	74 70
Amount of tax collected by J. A. Cabiness.....	18 00
Amount of tax collected by sundries.....	4 00
Amount of tax collected by W. Whitley.....	276 41
Amount of fine collected from C. Buffield.....	10 00
Amount of fine collected from Samuel Wilson.....	100 00
Amount of fine collected from G. Luff.....	100 00
Amount of fine collected from C. Hess.....	100 00
Amount of fine collected from J. Garrett.....	100 00
Amount of fine collected from Thomas Walker.....	100 00
Amount overpaid.....	2 31
	\$3,730 43

DISBURSEMENTS.

Gibbs, Jeff. M., Colonel 4th R. R. M.....	\$388 80
Boyle, John S., Major C. R. S. G.....	147 50
Goddin, M. H., Captain 1st S. G.....	89 40
Camp, C. C., Captain 8th R. S. G.....	196 00
Stacey, George H., First Lieutenant 1st R. S. G....	70 29
Jones, G. W., First Lieutenant 4th R. R. M.....	154 80
Graves, S. C., First Lieutenant 1st R. R. M.....	130 00
Horne, W. E., First Lieutenant and Judge Advocate..	100 00
Webb, W. H., Post Surgeon.....	112 00
Gantt, H. M., Captain.....	121 00
Bennett, W. B., First Sergeant.....	22 40
Green, S. G., Sergeant.....	22 40
Runnels, C. D., Private.....	17 92
Wise, S., Private.....	15 68
Amount carried forward.....	\$1,588 19

[Exhibit C—continued.]

	\$1,588 19
Prescott, Riley, Private.....	25 83
Haskins, George, Private.....	24 64
Prince, J. E., M. D.....	11 20
Prince, J. E., M. D.....	36 96
Oliphant, H. C., M. D.....	50 00
Bowdry, George, witness....	33 00
Boston, Jo., witness.....	15 00
Jenkins, M., witness.....	3 00
Jenkins, Emily, witness.....	3 00
Brown, Emma, witness.....	15 00
Warner, Zeke, witness.....	9 00
Jones, Frank, witness.....	9 00
Telegraph office, Huntsville telegrams.....	31 04
Item office, printing.....	5 00
Foster, Squire, transportation of arms.....	22 10
Gibbs F. & S., stationery.....	3 33
Goddin, M. H., printing.....	38 08
Cone, M. M., Private.....	26 28
Kelly, John F., collection of taxes.....	27 21
Butler, M., collection of taxes and traveling expenses.....	74 33
Webb, M. H., collection of taxes.....	85 02
Cox, L. A., collection of taxes.....	38 36
Madison, Cunningham, subsistence and forage.....	4 00
Owens, John H., horse hire.....	30 00
Josey, E. T., subsistence, forage and stabling.....	556 00
Hunter, J. T., stabling and forage.	165 45
Wilson, Benjamin S., subsistence, stabling and forage.....	740 41
	\$3,790 43

I certify that the above abstract is correct and just, that the receipts for taxes and fines have been properly accounted for, and that the disbursements have been faithfully made.

(Signed)

JAMES DAVIDSON,
Adjutant General, State of Texas.

Approved:..

(Signed)

EDMUND J. DAVIS,
Governor of Texas.

A true copy :

JAMES DAVIDSON, Adjutant General.
Per HENRY ORSAY, Chief Clerk.

[Exhibit D.]

List of Claims against Walker county remaining unpaid, in the office of the Adjutant General, State of Texas.

NAME.	RANK.	NATURE OF CLAIM.	AMOUNT.
Goddin, M. H.	Captain	Services . . .	\$179 06
Gantt, H. M.	Captain	...do... ..	48 00
Hughey, B.	Sergeant	...do... ..	17 50
Bennett, W. B.	Sergeant	...do... ..	46 30
Sloan, John	Private	...do... ..	19 63
Creagor, J. J.	Private	...do... ..	19 63
Greer, Glen	Private ..	...do... ..	24 80
Jones, Charles	Private	...do... ..	19 63
Terrell, W. J.	First Sergeant	...do... ..	24 70
Pitman, C. N.	Private	...do... ..	19 63
Miller, Louis	Private	...do... ..	19 63
Gordon, C. P.	Private	...do... ..	19 63
Forsgard, Jas. W.	Captain	...do... ..	85 00
Wood, C. K.	Sergeant	...do... ..	19 83
Callaway J. B.	Sergeant	...do... ..	4 66
Harris, Louis	Sergeant	...do... ..	17 50
Stephenson, F. J.	Corporal	...do... ..	17 60
Anderson, Wm. . .	Private ..	...do... ..	8 27
Bell, Thomas	Private	...do... ..	8 27
Broadenax, W. H.	Private	...do... ..	41 60
Balton, J. A.	Private	...do... ..	8 27
Baty, W. F. M.	Private	...do... ..	8 27
Cabeen, Wm.	Private	...do... ..	10 33
Callaway, W. J.	Private	...do... ..	10 33
Callaway, M. A.	Private	...do... ..	16 53
Coe, P. B.	Private	...do... ..	16 53
Campbell, W. B.	Private	...do... ..	3 10
Danford, E. J.	Private	...do... ..	8 27
Lea, Wm.	Private	...do... ..	8 27
Amount carried forward			\$750 77

[Exhibit D—continued.]

NAME.	RANK.	NATURE OF CLAIM.	AMOUNT.
			\$750 77
Lee, K.	Private	Services.	16 53
Lacy, E.	Private	do.	18 60
Muse, Wm.	Private ..	do.	8 27
Maxwell, F.	Private	do.	3 10
Mayo, E. W.	Private	do.	10 33
McGowan, R. H.	Private	do.	5 17
Parker, H. O.	Private	do.	8 27
Pitts, Isaac	Private	do.	14 46
Sanders, S. S.	Private	do.	18 60
Stiffemire, E. J.	Private	do.	14 46
Wood, Robert	Private	do.	18 60
Wood, Sam.	Private	do.	16 53
			\$903 6

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS, }
Austin, Sept. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : In answer to your request of this date, asking that I furnish copy of accounts audited and paid on account of making repairs and additions to the public buildings, the property of the State, at Austin, I will say that as soon as they can be made out they will be forwarded to you.

Very respectfully, your obedient servant,

A. BLEDSOE, Comptroller.

GOVERNOR'S OFFICE, }
Austin, Oct. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : I return to the House of Representatives, where it originated, the act entitled "An act to amend an act entitled 'an act to

incorporate the Belton Bridge Company,' approved April 12, 1871," and ask that the same be reconsidered.

This act is objectionable in respect that it proposes to close up all natural fords on the Leon river within three miles of the Belton bridge so as to force travelers and freight to cross said river on that bridge. I think this effect of the act must have been overlooked by the Houses. It seems to me that such provision is an unconstitutional interference with private rights.

Very respectfully,

EDMUND J. DAVIS, Governor.

Communications laid over under the rules.

REPORTS OF COMMITTEES.

Mr. Plumley, Chairman of the Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,
Austin, Sept. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 751, to be entitled "An act relating to the Galveston City Railroad Company," having examined the same, respectfully report and recommend the passage of the bill.

PLUMLEY, Chairman,
LOCKE,
ZAPP,
WILLIAMS,
ROBINSON.
PATTON.
CHAMBERS..

House bill No. 751 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Plumley the rules were suspended and House bill No. 751 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 3, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvement, to whom was referred House bill No. 741, to be entitled "An act to incorporate

the Dallas and Wichita Railroad Company," having considered said bill respectfully report the same and recommend its passage.

PLUMLEY, Chairman,
McLEAN,
WILLIAMS,
ZAPP,
McKEE,
CHAMBERS.

House bill No. 741 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Lane the rules were suspended and House bill No. 741 was read the third time and passed by the following vote, the yeas and nays having been called for :

Yeas—Messrs. H. R. Allen, Richard Allen, Austin, Camp, Chambers, Cole, Cotton, Dorris, Dupree, Ellis, Evans, George, Grothaus, Hamilton, Harn, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Fannin, McLean, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Pierson, Plumley, Robertson, Robinson, Ross, Schlickum, [Schutze, Self, Sheriff, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Abbott of Hill, Bonner, Burley, Gaston, Hawkins, Medlock, Moore of Red River, Robb, Schlotman, York—10.

The title of the bill was agreed to.

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to whom was referred House bill No. 770, to be entitled "An act to amend the seventh section of an act to incorporate the Indianola, San Antonio and El Paso Railroad Company," having considered the same, beg leave to report recommending its passage.

PLUMLEY, Chairman,
LOCKE,
WILLIAMS,
CHAMBERS,
PATTON,
ZAPP.

House bill No. 770 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Locke, the rules were suspended, and House bill No. 770 was read the third time.

On motion of Mr. Locke, "1871" was stricken out, in section one, inserting in lieu thereof "1872."

House bill No. 770 then passed and its title was agreed to.

Mr. Johnson, Chairman *pro tem.* of the Committee on State Affairs, submitted the following report :

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 761, to be entitled "An act to incorporate the Grayson County Fruit and Wine Company," have carefully considered the same, and respectfully recommend that it be laid on the table.

A. M. COX, Chairman,
JOHNSON,
TEGENER,
ROBB,
GASTON,
DUPREE.

On motion of Mr. Johnson the report was adopted and House bill No. 761 was laid on the table.

COMMITTEE ROOM,
Austin, Sept. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 749, to be entitled "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association, of Bryan, Texas," have carefully considered the same and recommend its passage.

A. M. COX, Chairman,
JOHNSON,
TEGENER,
ROBB,
GASTON,
DUPREE.

House bill No. 749 was then read and ordered to be engrossed and passed to its third reading.

11 o'clock A. M.

SPECIAL ORDER,

Viz: House bill No. 776, to be entitled "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871," which was then read

and passed by the following vote, the yeas and nays having been called for :

Yeas—Messrs. H. R. Allen, Richard Allen, Booty, Burley, Cotton, Dorris, Dupree, Evans, George, Grothaus, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, McLean, Miller, Morris, Morrison, Moore of Harrison, Plumley, Robinson, Schlickum, Schlotman, Sheriff, Spencer, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—37.

Nays—Messrs. Abbott of Hill, Austin, Bonner, Chambers, Cole, Gaston, Harn, Hawkins, Jenkins, Lacy, Lane, Leonard, McKee of Fannin, Moore of Red River, Pierson, Robb, Robertson, Ross, Schutze, Self, Simmons, Slaughter, Smyth, Stirman, Stockbridge—25.

The title of the bill was agreed to.

Reports of committees resumed.

Mr. Grothaus, Chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Oct. 6, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 225, "An act to prohibit the sale of intoxicating liquor within certain limits of the high school at Edom, Van Zandt county, Texas;" House bill No. 340, "An act to incorporate the Bosque Bridge and Manufacturing Company, of McLennan county;" House bill No. 405, "An act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State;" House bill No. 444, "An act to authorize Wm. Burney and Thomas Burney to erect a toll bridge over Pin Oak creek, in the county of Limestone, in Texas;" House bill No. 566, "An act supplementary to an act entitled 'an act to incorporate the Western Narrow Gauge Railway Company,' passed August 4, 1870," and find the same correctly enrolled.

F. E. GROTHAUS, Chairman *pro tem.*

Report accepted.

Mr. Johnson, Chairman of the Committee on Finance, submitted the following report :

COMMITTEE ROOM, }
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 722, having carefully considered the same, beg leave to report it back, and recommend that it do not pass.

J. W. JOHNSON, Chairman.

House bill No. 722, to be entitled "An act to regulate the assessment and collection of taxes in incorporated towns and cities in the State of Texas," was then read.

Mr. Johnson moved to lay House bill No. 722 on the table. Lost.

Mr. Johnson moved to strike out section one.

On motion of Mr. Booty, the further consideration of House bill No. 722 was indefinitely postponed.

COMMITTEE ROOM,
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 727, entitled "An act for the relief of Robert J. Tally, sheriff, and John Wood, late clerk of McLennan county, Texas," having carefully considered the same, hereby report it back and recommend that it do not pass.

J. W. JOHNSON, Chairman.

On motion of Mr. Morris, the further consideration of House bill No. 727, to be entitled "An act for the relief of Robert J. Talley, late sheriff, and John Wood, late district clerk of McLennan county, Texas," was postponed and made special order for Tuesday next at 11 o'clock A. M.

COMMITTEE ROOM,
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 720, to be entitled "An act for the relief of Reese A. Myers," having carefully examined the same beg leave to return it with the recommendation that it do not pass.

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson House bill No. 720, "An act for the relief of Reese A. Meyers," was laid on the table.

COMMITTEE ROOM,
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 747, having carefully considered the same, beg leave to report it back, and recommend that it do not pass.

J. W. JOHNSON, Chairman.

Mr. Evans moved that House bill No. 747, to be entitled "An act to authorize the issuance of State bonds for the redemption of State warrants, when there is no money in the treasury to pay the same," be printed and made the special order for Wednesday next at 11 o'clock A. M., upon which the yeas and nays were called for and resulted as follows:

Yeas—Mr. Speaker, H. R. Allen, Richard Allen, Austin, Burley, Camp, Cole, Cotton, Dupree, Ellis, Evans, George, Grothaus, Hamilton, Jenkins, Johnson, Kendall, Leonard, Locke, Lyons, Manning, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Plumley, Robinson, Sheriff, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—43.

Nays—Messrs. Abbott of Hill, Booty, Chambers, Dorris, Hawkins, Lacy, Lane, Lorange, McKee of Fannin, McLean, Pierson, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Simmons, Van Noy, Weaver—20.

So House bill No. 747 was made the special order for Wednesday next at 11 o'clock A. M., and ordered printed.

On motion of Mr. R. L. Moore the House, at 11:30 o'clock, adjourned until 10 o'clock A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 9, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. C. L. Abbott, Davis, Haswell, and Prissick.

Journal of Friday, sixth instant, read and adopted.

By unanimous consent, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM, }
Austin, Oct. 4, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report, that they have carefully examined the following House bills, to-wit: No. 725, to be entitled "An act for the regulation of pilots;" and

No. 772, to be entitled "An act to incorporate the San Antonio Water Company," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
ELLIS.

COMMITTEE ROOM,
Austin, Oct. 9, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bills, No. 741, to be entitled "An act to incorporate the Dallas and Wichita Railroad Company;" No. 749, to be entitled "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association, of Bryan, Texas;" No. 751, to be entitled "An act to amend an act approved May 2, 1871, entitled 'an act to amend an act entitled an act to incorporate the Galveston City Railroad Company,' approved October 8, 1866;" and No. 770, to be entitled "An act to amend the seventeenth section of an act entitled 'an act to incorporate the Indianola, San Antonio and El Paso Railroad Company,' passed April 3, 1871," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

COMMITTEE ROOM,
Austin, Oct. 6, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 712, to be entitled "An act to validate the acts of deputies of justices of the peace," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
H. C. ELLIS,
ROBINSON.

Reports accepted.

PETITIONS AND MEMORIALS.

Mr. Plumley presented the petition of James C. and Frank B. Hudson, minors, asking to be emancipated from their minority. Petition read and referred to the Committee on Judiciary.

Mr. Plumley also presented the petition of Thomas McKinney for payment of claim. Petition read and referred to the Committee on Claims and Accounts.

On motion of Mr. Lane, the rules were suspended to allow the introduction of bills.

Mr. Lane introduced a bill (House bill No. 785) to be entitled "An act to incorporate the North Texas Agricultural, Mechanical and Blood Stock Association," which was read the first time.

On motion of Mr. Lane, the rules were suspended and House bill No. 785 was read the second time and referred to the Committee on Agriculture and Stockraising.

Mr. Robinson introduced a bill (House bill No. 786) to be entitled "An act amendatory of 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot-box,'" which was read the first time.

On motion of Mr. Evans, the rules were suspended and House bill No. 786 was read the second time.

Mr. Evans moved a suspension of the rule requiring all bills on their second reading to be referred to committees, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Bonner, Dupree, Evans, George, Hamilton, Harn, Kyle, Morrison, Robinson, Schlotman, Sheriff, Slaughter, Youngkin—13.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cotton, Cox, Dorris, Ellis, Gardiner, Grothaus, Hawkins, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Manning, McKee of Guda-lupe, McKee of Fannin, McLane, Medlock, Mitchell, Morris, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robb, Robertson, Schlickum, Self, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—56.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

House bill No. 786 was referred to the Committee on Privileges and Elections.

Mr. Patton introduced a bill (House bill No. 787) to be entitled "An act to incorporate the Arrow Fast Freight and Transportation Company," which was read the first time.

On motion of Mr. Patton the rules were suspended and House bill No. 787 was read the second time and referred to the Committee on Commerce and Manufactures.

Mr. Patton also introduced a bill (House bill No. 788) to be en-

titled "An act amendatory of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdictions and duties,' approved August 13, 1870," which was read the first time.

The Chief Clerk was dispatched to the Senate with the following House bills: Nos. 723, 729, 732, 771, 773, 778, 776, 725, 741, 751, 770 and 772, asking the concurrence of the Senate therein.

Also returning to the Senate, Senate bill No. 105, which had been passed by the House, and for the signature of the President enrolled House bills as follows: Nos. 225, 566, 444, 405 and 340, which were signed by the President and returned.

On motion of Mr. Patton the rules were suspended and House bill No. 788 was read the second time.

Mr. Robertson moved a suspension of the rule requiring all bills on their second reading to be referred to committees. Lost.

House bill No. 788 was referred to the Committee on Judiciary.

Mr. Patton also introduced a bill (House bill No. 789) to be entitled "An act to repeal the charter of the Planters' Mutual Insurance Company," which was read the first time.

On motion of Mr. Patton the rules were suspended and House bill No. 789 was read the second time and referred to the Committee on State Affairs.

Mr. Plumley introduced a bill (House bill No. 790) to be entitled "An act for the authentication of the records of the County Court of Galveston county for the years from 1858 to 1864," which was read the first time.

On motion of Mr. Plumley, the rules were suspended, and House bill No. 790 was read the second time and referred to the Committee on Judiciary.

Mr. Zapp introduced a bill (House bill No. 791) to be entitled "An act amendatory to an act to be entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,'" which was read the first time.

On motion of Mr. R. Allen, the rules were suspended, and House bill No. 791 was read the second time and referred to the Committee on Finance.

Mr. Locke introduced a bill (House bill No. 792) to be entitled "An act to incorporate the Karnes County Bridge Company," which was read the first time.

On motion of Mr. Locke, the rules were suspended, and House bill No. 792 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Locke also introduced a bill (House bill No. 793) to be entitled "An act to allow H. T. Eppler to peddle in goods, wares and

merchandise, without paying State and county occupation tax," which was read the first time.

On motion of Mr. Locke, the rules were suspended, and House bill No. 793 was read the second time and referred to the Committee on Finance.

Mr. Locke also introduced a bill (House bill No. 794) to be entitled "An act making an appropriation to pay Reed & Mathers for furniture furnished the Capitol buildings," which was read the first time.

On motion of Mr. Locke, the rules were suspended, and House bill No. 794 was read the second time and referred to the Committee on Claims and Accounts.

Mr. Evans introduced a bill (House bill No. 795) to be entitled "An act authorizing the Governor to appoint some competent person to perform the duties of State Geologist until he shall find a suitable person for appointment as State Geologist, who shall be eligible to the office," which was read the first time.

On motion of Mr. Evans the rules were suspended and House bill No. 795 was read the second time and referred to the Committee on State Affairs.

Mr. Evans also introduced a bill (House bill No. 796) to be entitled "An act to amend section three of 'an act to authorize the Governor to prepare and issue bonds to an amount sufficient to meet any deficiency in the receipts of revenue for the years 1871 and 1872, and also providing for the payment of said bonds and interest thereon,' approved May 19, 1871," which was read the first time.

Mr. Johnson moved a suspension of the rules to put House bill No. 796 on its second reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Cotton, Cox, Dorris, Evans, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schutze, Sheriff, Slaughter, Spencer, Stockbridge, Tegner, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Yunkin, Zapp, Zoeller—39.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Chambers, Cole, Ellis, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Moore of Red River, Pierson, Robertson, Ross, Schlotman, Self, Simmons, Smyth, Stirman, Van Noy, Weaver—27.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. Jo. Abbott moved to reject House bill No. 796. Lost.

Mr. Stockbridge introduced a bill (House bill No. 797) to be entitled "An act to validate the actions of the voters of Brazoria county, and declare the bonds issued by said county to the Houston Tap and Brazoria Railway Company binding on said company," which was read the first time.

On motion of Mr. Posey House bill No. 797 was rejected.

Mr. Stockbridge also introduced a bill (House bill No. 798) to be entitled "An act to incorporate the Victoria Society of Washington County," which was read the first time.

On motion of Mr. Stockbridge the rules were suspended and House bill No. 798 was read the second time and referred to the Committee on State Affairs.

Mr. Dorris introduced a bill (House bill No. 799) to be entitled "An act to amend section ten of 'an act to encourage stockraising and for the protection of stockraisers,' approved May 22, 1871," which was read the first time.

On motion of Mr. Dorris the rules were suspended and House bill No. 799 was read the second time and referred to the Committee on Agriculture and Stockraising.

A message was received from the Senate announcing that that body had passed the following House bills, viz: Nos. 164, 427, 537, 716, 762 and 735, without amendment; also, that that body had passed with amendment House bill No. 537. Also transmitting for the concurrence of the House the following Senate bills: Nos. 369, 468, 453 and 454, and Senate joint resolution No. 43.

Mr. Johnson introduced a bill (House bill No. 800) to be entitled "An act authorizing the Governor to issue bonds of the State of Texas to aid and maintain a system of public free schools," which was read the first time.

Mr. Robertson moved to reject House bill No. 800.

Mr. Evans moved a call of the House. Call sustained.

Absent, not excused—Messrs. C. L. Abbott, Davis, Haswell, Lorange and Prissick.

On motion of Mr. Burley the call of the House was suspended.

The question recurring on the motion of Mr. Robertson to reject House bill No. 800, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Ellis, Evans, George, Gaston, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, McKee of Fannin, McLean, Medlock, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons,

Slaughter, Smyth, Stirman, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—50.

Nays—Messrs. Burley, Cotton, Dorris, Dupree, Gardiner, Harn, Johnson, Kendall, Lyons, Manning, McKee of Guadalupe, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Spencer, Stockbridge, Tegener, Tinsley, Zoeller—22.

So House bill No. 800 was rejected.

Mr. J. F. McKee introduced a bill (House bill No. 801) to be entitled "An act for the relief of the heirs of Christopher C. Williams," which was read the first time.

On motion of Mr. J. F. McKee, the rules were suspended, and House bill No. 801 was read the second time and referred to the Committee on Private Land Claims.

Mr. J. F. McKee also introduced a bill (House bill No. 802) to be entitled "An act to validate an act entitled 'an act for the relief of the heirs of Henry Roberts, deceased,' approved November 10, 1866," which was read the first time.

On motion of Mr. J. F. McKee, the rules were suspended, and House bill No. 802 was read the second time and referred to the Committee on Private Land Claims.

Mr. Young introduced a bill (House bill No. 803) to be entitled "An act to authorize J. R. Harrington to erect a toll bridge over White Rock creek, in Hill county," which was read the first time.

On motion of Mr. Young the rules were suspended and House bill No. 803 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Robertson introduced a bill (House bill No. 804) to be entitled "An act to repeal the act entitled 'an act to incorporate the city of Hearne,' approved April 11, 1871," which was read the first time.

Mr. Robertson also introduced a bill (House bill No. 805) to be entitled "An act to repeal an act entitled 'an act to incorporate the city of Hempstead, in the county of Austin,' approved March 13, 1871," which was read the first time.

Mr. Johnson moved to reject House bill No. 805. Lost.

Mr. Robertson moved a suspension of the rules to put House bill No. 805 on its second reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Cox, Gardiner, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self,

Sheriff, Simmons Slaughter, Smyth, Stirman, Tegener, Van Noy, Young, Zapp, Zoeller—43.

Nays—Messrs. Richard Allen, Bonner, Burley, Cotton, Dorris, Dupree, Evans, Johnson, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Moore of Harrison, Patton, Robinson, Stockbridge, Williams of Colorado, Williams of Walker, Youngkin—22.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. Robertson also introduced a bill (House bill No. 806) to be entitled "An act to repeal the act entitled 'an act to incorporate the town of Bremond,' approved August 13, 1870," which was read the first time.

Mr. Burley moved to reject House bill No. 806, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Richard Allen, Bonner, Burley, Camp, Cotton, Dupree, Gardiner, Hamilton, Johnson, Kendall, Locke, Lyons, Manning, Medlock, Mitchell, Moore of Harrison, Patton, Robinson, Sheriff, Stockbridge, Van Noy, Williams of Colorado, Williams of Walker, Youngkin—25.

Nays—Messrs. Austin, Booty, Chambers, Cole, Cox, Dorris, Evans, George, Gaston, Harn, Jenkins, Kyle, Lane, Leonard, Lorange, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Pierson, Posey, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Simmons, Slaughter, Smyth, Spencer, Stirman, Tegener, Young, Zapp, Zoeller—36.

So the House refused to reject House bill No. 806.

Mr. Robertson moved a suspension of the rules to put House bill No. 806 on its second reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbt of Hill, Austin, Booty, Bonner, Chambers, Cole, Cox, Dorris, Evans, George, Gaston, Hamilton, Harn, Jenkins, Kyle, Lane, Leonard, Locke, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Williams of Colorado, Williams of Walker, Young, Zapp, Zoeller—44.

Nays—Messrs. Richard Allen, Burley, Camp, Cotton, Dupree, Gardiner, Johnson, Kendall, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Robinson, Slaughter, Stockbridge, Youngkin—20.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. Grothaus, Chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Oct. 9, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Enrolled Bills beg leave to report that they have carefully examined House bill No. 735, to be entitled "An act supplemental to and amendatory of an act entitled 'an act to incorporate the city of San Antonio, and grant a new charter to said city, and to repeal an act entitled an act to incorporate the city of San Antonio, approved July 17, 1856, and an act entitled an act to amend an act to incorporate the city of San Antonio, approved February 11, 1860,' approved August 13, 1870," and House bill No. 716, to be entitled "An act to amend an act entitled 'an act to incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company,' approved May 19, 1871," and find the same correctly enrolled.

F. E. GROTHAUS, Chm. *pro tem.*
POSEY.

Report accepted.

Mr. Lane moved that the House adjourn until 3 o'clock this P. M. Lost.

Mr. Lorance moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Zoeller introduced a bill (House bill No. 807) to be entitled "An act to amend section twenty-seven of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," which was read the first time.

On motion of Mr. Zoeller the rules were suspended and House bill No. 807 was read the second time and referred to the Committee on Judiciary.

Mr. Johnson introduced a bill (House bill No. 808) to be entitled "An act to incorporate the Gatesville Bridge Company," which was read the first time.

On motion of Mr. Jenkins the rules were suspended and House bill No. 808 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Jenkins also introduced a bill (House bill No. 809) to be entitled "An act to incorporate the Lone Star Ferry Company," which was read the first time.

On motion of Mr. Evans the rules were suspended, House bill No. 809 read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Evans introduced a bill (House bill No. 810) to be entitled "An act concerning private corporations," which was read the first time.

On motion of Mr. Evans the rules were suspended and House bill No. 810 read the second time.

On motion of Mr. Evans the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House No. 810 was made the special order for Thursday next at 10:30 A. M.

JOINT RESOLUTION.

Mr. Zoeller introduced a joint resolution (House joint resolution No. 36) "Asking the government of the United States to pay a suitable reward for the delivery of hostile Indians to the proper authorities," which was read the first time.

On motion of Mr. Tegener the rules were suspended and House joint resolution No. 36 read the second time and referred to the Committee on Indian Affairs.

On motion of Mr. Burley, the House, at 12:30 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, October 10, 1871.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Haswell and Prissick.

On motion of Mr. Camp the reading of the journal of yesterday was dispensed with.

On motion of Mr. Chambers Mr. Smyth was excused attendance on the House to-day on account of sickness.

By unanimous consent Mr. Zapp offered the following resolution:

WHEREAS, It is necessary, in order to facilitate the business of the House, that clerical force be employed to dispose of the large amount of business now before committees; therefore,

Resolved, That the Speaker of the House be authorized to appoint two general clerks, whose business it shall be to serve all the committees of the House, except Enrolling and Engrossing, and whose pay shall be eight dollars per day until the close of this session.

Resolution read first and second times.

Mr. Lane moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Austin, Booty, Chambers, Cole, Ellis, Evans, Gaston, Grothaus, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Morris, Moore of Red River, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Simmons, Stirman, Van Noy, Weaver, York—31.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Bonner, Burley, Camp, Cotton, Cox, Dorris, Dupree, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Locke, Lorance, Manning, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Pierson, Sheriff, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—38.

So the House refused to lay the resolution on the table.

Mr. Plumley moved to amend by adding "also one clerk for the Internal Improvement Committee."

Mr. R. L. Moore moved to lay the amendment on the table. Lost.

Mr. Slaughter moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Gardiner, George, Hamilton, Harn, Kendall, Locke, Lorance, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Schlickum, Schlotman, Schutzè, Sheriff, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—42.

Nays—Messrs. Austin, Booty, Bonner, Chambers, Cole, Ellis, Evans, Gaston, Grothaus, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Moore of Red River, Posey, Robb, Robertson, Ross, Self, Simmons, Stirman, Weaver, York—27.

So the main question was ordered.

The main question being first on the adoption of the amendment offered by Mr. Plumley, the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Camp, Cotton, Cox, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Lorance, Manning, Medlock, Mitchell, Moore of Harrison, Patton, Pierson, Plumley, Robertson,

Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin—35.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Burley, Chambers, Cole, Dorris, Ellis, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Morris, Moore of Red River, Posey, Robb, Ross, Schlickum, Schlotman, Self, Simmons, Spencer, Stirman, Van Noy, Weaver, Zapp, Zoeller—36.

So the House refused to adopt the amendment.

The question then recurred upon the adoption of the resolution, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Mr. Speaker, Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Gardiner, George, Hamilton, Harn, Kendall, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Moore of Harrison, Patton, Pierson, Schlotman, Schutze, Sheriff, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Evans, Gaston, Grothaus, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McKee of Fannin, McLean, Morris, Moore of Red River, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Self, Simmons, Stirman, Van Noy, Weaver, York—35.

So the resolution was adopted.

Mr. Camp moved a suspension of the rules to take up out of their regular order Senate bills on their first reading.

Rules not suspended.

Mr. Austin moved a suspension of the rules to take up out of its regular order House bill No. 523, to be entitled "An act to prohibit taxation on the sale of religious and moral works." Rules not suspended.

REPORTS OF COMMITTEES.

Mr. Harn, chairman of the Committee on County and County Boundaries, submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee on County and County Boundaries beg leave to report that they have duly considered House bill No. 596,

to be entitled "An act to establish the county of Franklin," and respectfully report the accompanying substitute, with the recommendation that it pass.

Very respectfully,

J. D. GEORGE, Chairman,
W. H. BONNER,
J. YORK,
W. P. McLEAN,
M. KENDALL,
R. L. MOORE.

House bill No. 596 was then read.

The substitute recommended by the Committee on County and County Boundaries was then read, and on motion of Mr. Posey it was adopted in lieu of the original bill.

The following special message was received from the Governor by the hands of his Private Secretary :

GOVERNOR'S OFFICE, }
Austin, Oct. 10, 1871. }

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN: I have the honor to transmit herewith copy of proclamation issued by me October 9, declaring martial law in the counties of Limestone and Freestone.

Very respectfully,

EDMUND J. DAVIS, Governor.

PROCLAMATION BY THE GOVERNOR OF THE STATE OF TEXAS.

TO ALL TO WHOM THESE PRESENTS SHALL COME.

WHEREAS, It has been officially made known to me, and the official reports have been corroborated by the verbal statements of individuals of good repute personally cognizant of the facts by them stated, that there exists in the counties of Limestone and Freestone in said State a combination of lawless men, claiming themselves to consist of several thousand persons organized as an insurrectionary force, too strong for the control of the civil authorities of said counties, which has murdered an unarmed and unoffending citizen in his own house; the individuals, composing which, carry pistols and other weapons prohibited to be worn on the person by law, have discharged firearms in public places, and have by threats, violence and organized force intimidated and controlled the civil officers of

Limestone county, so as to prevent them from discharging their respective duties, who have precluded the holding a fair election in said last named county, and who even presume to place picket guards upon the public highways, arrest and detain as prisoners, citizens of the State, and stop the coaches carrying the United States mails, and interrogate in an inquisitorial and menacing manner the passengers therein, and to cut the telegraph wires to prevent communication with the seat of government, which insurrectionary force exists as an armed and organized body contrary to law, and is too numerous to be arrested and held by the civil authorities and to be tried by the district courts;

Now, therefore I, Edmund J. Davis, Governor of the State of Texas, by virtue of the authority in me vested by the Constitution and laws of said State, do hereby declare and proclaim martial law in said counties of Limestone and Freestone, and do order that the laws be suspended therein, and that the issuance of the writ of *habeas corpus* within or directed to said counties or to either of them be prohibited until the Legislature now in session shall take such action as it may deem necessary, and until this proclamation is revoked.

An assessment of fifty thousand dollars, or so much thereof as may be necessary, being hereby directed to be levied and collected off the property subject to taxation of the resident citizens of said county of Limestone, where said combination originated, to be applied in accordance with chapter thirty-two of the General Laws of the Twelfth Legislature of the State of Texas, first session, 1871.

In testimony whereof I have hereunto signed my name and
 caused the great seal of the State to be affixed, at the
 : SEAL. : city of Austin, this ninth day of October, A. D. 1871,
 and the independence of Texas the thirty-sixth.

EDMUND J. DAVIS, Governor.

By the Governor :

JAMES P. NEWCOMB, Secretary of State.

On motion of Mr. Slaughter, the rules were suspended and the Governor's message was taken up.

Mr. Evans moved that the further consideration of the Governor's message and accompanying papers be postponed and made the special order for Friday next at 11 o'clock A. M.

Mr. Jo. Abbott moved to amend by referring the message to a special committee of five, to report at that time. Lost.

11 o'clock A. M.

SPECIAL ORDER.

Viz: The consideration of House bill No. 727, to be entitled "An act for the relief of Robert J. Talley, late sheriff, and John Wood, late district clerk, of McLennan county, Texas."

On motion of Mr. Slaughter, the consideration of the special order was postponed until the business now before the House be disposed of.

Mr. Evans moved to amend his motion to postpone the consideration of the message of the Governor by striking out the words "Friday at 11 o'clock A. M.," and inserting in lieu thereof the words "to-morrow at 12 M."

[Mr. Morrison in the chair.]

The Chief Clerk was dispatched to the Senate with the following enrolled House bills: Nos. 716 and 735, for the signature of the President of that body, which were signed and returned, the Secretary also returning House bills Nos. 282, 723 and 733, which that body had passed without amendment. Also transmitting for the signature of the Speaker enrolled Senate bill No. 464, which was signed by the Speaker and returned to the Senate by the hands of the Chief Clerk.

Upon the motion of Mr. Evans to amend his motion to postpone the consideration of the Governor's message, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cox, Ellis, Evans, George, Gaston, Grothaus, Hamilton, Earn, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—61.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Dorris, Dupree, Gardiner, Patton, Slaughter—8.

So the amendment was adopted.

The question then recurring on the motion as amended, it was carried.

Special order resumed.

On motion of Mr. Johnson House bill No. 727 was recommitted to the Committee on Finance.

Mr. Jo. Abbott moved that the Governor be requested to furnish this House, by 12 o'clock M. to-morrow, the evidences in his possession upon which he proclaimed martial law in Limestone and Free-stone counties.

Mr. Slaughter moved to lay the motion on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Dorris, Dupree, Gardiner, Grothaus, Kendall, Locke, McKee of Guadalupe, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Slaughter, Youngkin—19.

Nays—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Ellis, Evans, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, Manning, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Zapp—46.

So the House refused to lay the motion on the table.

Mr. R. Allen moved to adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dupree, Kendall, Locke, Manning, Medlock, Morris, Moore of Harrison, Patton, Stockbridge, Tinsley, Williams of Colorado, Youngkin—16.

Nays—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Cox, Dorris, Ellis, Evans, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Mitchell, Morrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Slaughter, Spencer, Stirman, Tegener, Weaver, Williams of Walker, York, Zapp—55.

So the House refused to adjourn.

The question recurring on the motion of Mr. Jo. Abbott, it was adopted.

On motion of Mr. Slaughter the Speaker appointed a special committee of three to visit the public schools in this place and to report their condition and management under the present administration. Messrs. Slaughter, R. Williams and Cole composing said committee.

Mr. Robertson moved a suspension of the rules to allow him to

introduce a concurrent resolution, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Dorris, Ellis, Evans, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Simmons, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Van Noy, Weaver, York, Zapp—45.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Dupree, Gardiner, George, Grothaus, Hamilton, Kendall, Locke, Lorange, Manning, Medlock, Mitchell, Morris, Moore of Harrison, Patton, Sheriff, Tinsley, Williams of Colorado, Williams of Walker, Youngkin—24.

So the rules were not suspended, two thirds of the members present not voting in the affirmative.

The question then recurred on ordering House bill No. 536 to be engrossed and passed to its third reading. It was so ordered.

On motion of Mr. Posey the rules were suspended and House bill No. 596 was read the third time, passed and its title agreed to.

Mr. Zapp moved a suspension of the rules to take up out of its regular order Senate bill No. 486.

On motion of Mr. Grothaus, the House at 12:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 11, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Davis, Prissick, Shoemaker.

On motion of Mr. Morrison, the reading of yesterday's journal was dispensed with.

UNFINISHED BUSINESS,

Viz: The motion of Mr. Zapp to suspend the rules and take up out of its regular order Senate bill No. 486, to be entitled "An act making an appropriation to pay the printing and contingent expenses of the Twelfth Legislature."

Rules suspended and Senate bill No. 486 was read the first time.

On motion of Mr. Morrison, the rules were suspended and Sen-

ate bill No. 486 was read the second time and referred to the Committee on Finance.

On motion of Mr. Chambers, the rules were suspended and Senate joint resolution No. 43, "Authorizing the appointment of commissioners to run, mark out, and fully define the county lines of San Jacinto county," was taken up out of its regular order and read the first time.

On motion of Mr. Harn, the rules were suspended and House joint resolution No. 43, was read the second time.

On motion of Mr. Harn, the rule requiring all bills and joint resolutions on their second reading to be referred to committees was suspended in this case, and Senate joint resolution No. 43 was ordered to its third reading.

On motion of Mr. Harn, the rules were further suspended and Senate joint resolution No. 43 was read the third time, passed, and its title agreed to, and the Chief Clerk dispatched to the Senate to inform that body of the action of the House thereon.

On motion of Mr. Burley the rules were suspended to take up out of its regular order Senate bill No. 437, to be entitled "An act to regulate in part the receipt and disbursement of public money."

Senate bill No. 437 was then read.

Mr. Locke moved to amend section one by striking out the words "as money," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Burley, Camp, Cole, Cotton, Cox, Dorris, Dupree, Evans, Hamilton, Harn, Haswell, Johnson, Kendall, Lane, Leonard, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Robb, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Spencer, Stockbridge, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—49.

Nays—Messrs. Austin, Booty, Bonner, Chambers, Ellis, George, Gaston, Hawkins, Jenkins, Kyle, Lacy, McKee of Fannin, McLean, Moore of Red River, Robertson, Simmons, Smyth, Stirman, TeGENER—19.

So the amendment was adopted, two-thirds of the members present voting in the affirmative.

Mr. McLean offered a substitute for the bill.

Mr. Jo. Abbott moved that the further consideration of the bill

and substitute be postponed and made the special order for to-morrow at 11 o'clock A. M., and that one hundred copies be printed.
Lost.

11 o'CLOCK A. M.

SPECIAL ORDER.

The consideration of House bill No. 747, to be entitled "An act to authorize the issuance of State bonds for the redemption of State warrants when there is no money in the Treasury to pay the same."

On motion of Mr. Robertson the consideration of the special order was postponed until the business now before the House be disposed of.

[Mr. Schutze in the chair.]

A message was received from the Senate returning the following House bills which had been passed by that body without amendment, viz: Nos. 751, 778, 763 and 777. Also transmitting for the concurrence of the House the following Senate bills which that body had passed: Nos. 439 and 467.

[Speaker Sinclair in the chair.]

Mr. Evans moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The main question being first upon the adoption of the substitute offered by Mr. McLean, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Booty, Chambers, Cole, Ellis, Evans, George, Gaston, Grothaus, Harn, Hawkins, Lane, Leonard, Locke, Manning, McKee of Guadalupe, McLean, Morris, Patton, Self, Simmons, Smyth, York, Youngkin, Zapp—26.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cotton, Cox, Dorris, Dupree, Gardiner, Hamilton, Jenkins, Johnson, Kendall, Kyle, Lacy, McKee of Fannin, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Sheriff, Slaughter, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Zoeller—44.

So the House refused to adopt the substitute, two-thirds of the members present not voting in the affirmative.

The question then recurred upon the passage of Senate bill No.

437, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Camp, Cotton, Cox, Dorris, Dupree, Ellis, Gardiner, Hamilton, Jenkins, Kyle, Lacy, McKee of Fannin, Miller, Morrison, Moore of Harrison, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Walker, Young—41.

Nays—Messrs. Abbott of Hill, Richard Allen, Burley, Chambers, Cole, Evans, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Johnson, Kendall, Lane, Leonard, Locke, Manning, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Moore of Red River, Patton, Self, Williams of Colorado, York, Youngkin, Zapp, Zoeller—31.

So the bill passed and its title was agreed to, and the Chief Clerk was dispatched to the Senate to inform that body of the action of the House thereon.

Special order resumed.

House bill No. 747 was then read.

Mr. Evans offered a substitute for House bill No. 747, which was read.

Mr. Leonard moved to amend section five of the substitute by adding at the end of the section the following: "*provided*, the commission allowed for selling shall not exceed one per cent."

Mr. Hawkins moved to lay the amendment on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Harn, Hawkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Moore of Red River, Robertson, Ross, Self, Simmons, Smyth, Spencer, Stirman, Weaver—22.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Ellis, Evans, Gardiner, George, Gaston, Grothaus, Hamilton, Jenkins, Johnson, Kendall, Locke, Lorraine, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—49.

So the House refused to lay the amendment on the table.

Mr. Morris moved the previous question. Previous question seconded.

The question being "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Bonner, Burley, Cotton, Cox, Dorris, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Johnson, Kendall, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schutze, Sheriff, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Walker, York, Youngkin, Zapp, Zoeller—39.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Ellis, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlotman, Self, Simmons, Slaughter, Smyth, Stirman, Tegener, Weaver, Williams of Colorado, Young—36.

So the main question was ordered.

The main question being first on the adoption of the amendment offered by Mr. Leonard, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Chambers, Cole, Ellis, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Posey, Robertson, Ross, Self, Simmons, Slaughter, Smyth, Stirman, Tegener, Weaver—29.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Evans, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—44.

So the House refused to adopt the amendment.

The question then recurred on the adoption of the substitute offered by Mr. Evans, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Dorris, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Haswell, Johnson, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Cox, Ellis, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Posey, Robb, Robertson, Ross, Schlotman, Self, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, Young—34.

So the substitute was adopted.

12 o'clock M.

SPECIAL ORDER.

Viz: The consideration of the Governor's message, informing the House of his having declared martial law in Limestone and Freestone counties, and accompanying papers.

On motion of Mr. Morris the special order was postponed until the business now before the House be disposed of.

Mr. Slaughter moved that the rule requiring all bills on their second reading be referred to committees be suspended in the case of House bill No. 747. Rule not suspended.

On motion of Mr. Morrison the House resolved itself into a committee of the whole.

[Mr. Morrison in the chair.]

At 12:10 o'clock P. M. the committee rose. Chairman reported progress and recommended that House bill No. 747 be ordered to be engrossed and passed to its third reading.

Mr. Evans moved that the report be accepted and the committee discharged from further consideration of the bill, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Evans, George, Grothaus, Hamilton, Johnson, Kendall, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Sheriff, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Ellis, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Robb, Ross, Schlotman, Schutze, Self, Simmons, Smyth, Stirman, Young—29.

So the report was accepted and the committee discharged from further consideration of House bill No. 747.

The question recurring on ordering House bill No. 747 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Bonner, Burley, Camp, Cotton, Cox, Dorris, Dupree, Evans, George, Grothaus, Hamilton, Johnson, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—42.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Chambers, Cole, Ellis, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Robb, Robertson, Ross, Schlotman, Self, Simons, Smyth, Stirman, Van Noy, Weaver, Young—31.

So House bill No. 747 was ordered to be engrossed and passed to its third reading.

Mr. Grothaus, Chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have this day presented to the Governor for his approval House bill No. 735, to be entitled "An act supplemental to and amendatory of an act entitled 'an act to incorporate the city of San Antonio and grant a new charter to said city, and to repeal an act entitled 'an act to incorporate the city of San Antonio, approved July 17, 1856,' and an act entitled 'an act to amend an act to incorporate the city of San Antonio,' approved February 11, 1860, approved August 13, 1870,'" and House bill No. 716, to be entitled "An act to amend an act entitled 'an act to incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company.

T. E. GROTHAUS, Chairman *pro tem.*

Report accepted.

Special order resumed.

Mr. Evans moved that the consideration of the message of the Governor declaring martial law in Limestone and Freestone counties be postponed until to-morrow at 12 o'clock M.

Mr. Camp moved to amend by inserting "Saturday" in lieu of "to-morrow."

On motion of Mr. Schutze the House at 1 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 12, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Davis, Ellis and Prissick.

On motion of Mr. R. L. Moore the reading of the journal of yesterday was dispensed with.

On motion of Mr. Jenkins the use of the Hall was granted to the Friends of Temperance on next Tuesday evening.

On motion of Mr. Camp Mr. Manning was granted leave of absence for ten days from next Monday.

UNFINISHED BUSINESS.

Viz: The motion of Mr. Camp to amend the motion of Mr. Evans to postpone the consideration of the Governor's message by striking out "to-morrow," and inserting in lieu thereof "Saturday," upon which the yeas and nays were called for and resulted as follows:

Yeas---Messrs. Abbott of Hill, H. R. Allen; Austin, Booty, Bonner, Camp, Chambers, Cole, George, Gaston, Jenkins, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Moore of Red River, Pierson, Posey, Robertson, Ross, Schutze, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young---32.

Nays---Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Dorris, Dupree, Evans, Gardiner, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schiotman, Sheriff, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller---37.

So the House refused to adopt the amendment.

Mr. Slaughter moved to strike out "to-morrow at 12 M." and insert in lieu thereof "until the House be in possession of the evidence on which His Excellency the Governor declared martial law in Limestone and Freestone counties."

The amendment was adopted.

The question recurring on the adoption of the motion made by Mr. Evans, as amended, it was adopted.

By unanimous consent Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 596, entitled "An act to establish the county of Franklin," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

COMMITTEE ROOM,
Austin, Oct. 12, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 747, entitled "An act to authorize the issuance of State bonds for the redemption of State warrants, when there is no money in the Treasury to pay the same," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Reports accepted and Chief Clerk dispatched to the Senate with House bill No. 596, asking the concurrence of that body in its passage.

On motion of Mr. Zoeller the rules were suspended and Senate bill No. 369 was taken up out of its regular order and read the first time.

On motion of Mr. Lane the rules were suspended and Senate bill No. 369 was read the second time.

On motion of Mr. Zoeller the rule requiring all bills on their second reading to be referred to committees was suspended in this case.

The following message was received from the Governor by the hands of his private secretary:

MESSAGE OF THE GOVERNOR.

GOVERNOR'S OFFICE,
Austin, Oct. 12, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: By way of compliance with the resolution adopted by the House of Representatives, on the tenth instant, calling on the Governor for "the evidence in his possession upon which he proclaimed

martial law in Limestone and Freestone counties," I transmit copies of communications made concerning the riotous proceedings and lawlessness in Limestone county which caused the proclamation of martial law of the ninth instant.

In addition to these communications, I have received considerable verbal information from persons who have come from the disturbed district, some of them having come here especially to inform me of the condition of affairs, and others being persons who have recently had occasion to travel through those counties. This information relates to the number of the insurrectionists as claimed by some of themselves, the stopping of the United States mail coaches and the inquisitorial proceedings against passengers thereon, the cutting of the telegraph wires, the coercion exercised over the officers of the county, and the flight from that district of large numbers of the citizens. I have received verbal information on some or all of these subjects from Jacob Wagner, late captain in the United States army, J. F. Pellis, city marshal of Groesbeck, S. M. Jones, justice of the peace and judge of election, Limestone county, and others.

Very respectfully,

EDMUND J. DAVIS, Governor.

STATEMENT OF W. B. BONNER AND OTHERS.

SPRINGFIELD, Texas, Oct., 1, 1871.

To His Excellency E. J. DAVIS,

Governor of the State of Texas:

SIR: Our county is now in a state of riot and insubordination, demanding your immediate attention. Last evening, one of our special policemen attempted to arrest a man named Applewhite, in Groesbeck, for carrying concealed weapons. The man attempted to draw a weapon, and did draw it, firing at the policeman and severely wounding him in the left arm. The policeman drew his pistol on the first demonstration and fired, hitting Applewhite in the stomach; several policemen then interfered, and Applewhite was dispatched by several shots. This fact was made the occasion of a general uprising of the people, white and black, and to-day the county is the scene of insubordination and rebellion. Our officers are impatient to execute the laws. No Republican dare express himself, and very few to show their heads. The mayor of Groesbeck is pressed into the service of the mob and made to obey their orders. Every colored man and Republican has been forced from Groesbeck. The rioters are drunk and wild with excitement, and you need not be surprised to hear of any excesses committed by them before you lend

us a helping hand. To-day the sheriff has been forced, to prevent bloodshed, to incarcerate the two policemen under orders from the mob.

It will be impossible to hold an election unless assistance reaches us speedily. We will in all probability refuse to open the polls unless we are forced to do so to preserve our lives.

Nothing in the world will save our county, or make it tolerable for us to live here, but martial law of the severest type. *In the name of God, Governor, help us*, or we will be unable to maintain our positions as Republicans, and our lives may pay the forfeit of our faith. We send this by a special messenger, one of our most trusted State police, who will give you more particulars.

Very respectfully, your obedient servants,

(Signed)

S. M. JONES,

Justice of Peace and Judge of Election, Limestone Co.

(Signed)

W. B. BONNER,

Registrar and District Clerk.

(Signed)

S. P. YOUNG,

Sheriff.

STATEMENT OF JOHN T. DUNBAR.

On Saturday, the 30th of September, I was sitting on the platform in front of the Donnell House in Groesbeck. A man came along and said there was a man killed up town. I, with several others, started up the street. When I reached the place where Mr. Zadek keeps a grocery, I met a large crowd of men running and shouting: "Arm and shoot the damned police!" I stepped on the side next to the house so as to let the crowd pass. After the crowd passed, which took them perhaps a minute, I looked up the street and saw a man named Dan Gallagher come out of the bank or bookstore with a gun in his hand. I left them to return to the Donnell House, and when I reached the next corner, on the same street that Zadek's store stands on, I saw two men standing in a butcher's shop, one armed with a six-shooter, and the other armed with a double barreled shot-gun; do not know their names; both seemed excited---the one with the six-shooter gesticulating and threatening to kill anyone that came after him. About this time a large portion of the crowd that had passed me returned, some shouting: "Shoot the damned police and their leaders!"

Sunday morning I left the Donnell House and started up to the mayor. I there saw a large crowd in the front of his house. The

mayor was speaking, some of the crowd shouting. The mayor said something about keeping the peace. One man said: "Why have you not talked that way before?" evidently intending to keep up the excitement. About this time a body of mounted men came in, some seventy-five or more, armed with rifles and shot-guns, yelling, and the crowd shouting in return. They continued on down the street and arrived in front of the Parker House. I left for the Donnell House and saw no more of them, it commencing to rain very hard at this time.

(Signed)

JOHN T. DUNBAR.

STATEMENT OF A. ZADEK.

GROESBECK, TEXAS, October 5, 1871.

Being called upon by his honor, J. W. Oliver, to make a true, fair and impartial statement in regard to the difficulty which occurred in this city on Saturday last, which resulted in the killing of Applewhite by a policeman, allow me to say, that one Dan Gallagher was drinking and boisterous in front of my door, disturbing the peace, etc. I kindly, upon several occasions, *requested* him to keep quiet, but he heeded me not. Officer Cotton and another policeman arrested him and took him to the calaboose. In the meantime D. C. Applewhite came up and commenced talking to me. The policeman then brought Gallagher to my house to execute bond for his appearance before me for trial. Applewhite then said he wanted some damned policeman to try to arrest him. I then took bond from Gallagher for his appearance; and to quiet and appease the wrath of Applewhite I accepted him as security for Gallagher. Applewhite said he would bet that Gallagher would snatch a pistol from a policeman and kill him; said that he (Applewhite) was armed, and would like to see any damned policeman try to take him. I then foresaw trouble, Applewhite and Gallagher being together. I seen that they were determined to have and provoke a difficulty. Applewhite then said to two policemen (whose names I don't know) that damn them, he would like to see them try to arrest him. They said nothing. Applewhite and Gallagher then went to Clark's saloon, near by, to take a drink. In a few moments I heard a great disturbance in the saloon, and went to see what it was, and saw Applewhite with a Deringer in his hand, and Mitchell Cotton, policeman, with a six-shooter in his hand. Parties then cried out: "Don't shoot! don't shoot!" when a general shooting commenced. I could not tell who was shooting, or who shot first. I then went to my

wife's room, knowing her to be very nervous. I then went back to learn the result of the shooting, and saw Applewhite on the corner near Blumm's soda stand. Saw him fall off the sidewalk, and saw the policeman shooting at him, and he died almost instantly, but I thought then, and yet think, he received a mortal wound in Clark's saloon when the firing first commenced. The excitement then became *terrific indeed*, and the cry was: "To arms! to arms! shoot them! kill all the damned leaders of the damned party!" I then promised the citizens to have the policeman arrested and brought to trial and justice. The policemen then went to the mayor's office, and I tried to have them surrender, and they refused. I then exerted myself to quiet the mob, but to no purpose. Lawlessness and mobocracy prevailed. Parties armed with double-barrelled shot-guns then came to the city in great numbers. Guns were fired in every portion of the city. I then took my wife and babe to a safe retreat, and returned to the city again. I was then attacked by an infuriated crowd in my own private room. A meeting was then demanded, and I was forced by intimidation to issue a warrant of arrest for the arrest of the policemen, and in order to preserve and keep the peace I did so. I was then called upon to make a speech to the people, and attempted to make a few remarks to quiet the people, and was grossly insulted whilst speaking. The people controlled my person; would not allow me to leave under penalty of death, and also controlled and overlooked, and even drafted, any dispatch I desired to send to Governor Davis or Judge Oliver, and I was compelled to submit to any requisition made upon me by the excited populace. Yet I will say that quite a number of the better class of citizens would have been managed.

(Signed)

A. ZADEK.

STATEMENT OF J. S. THURMOND.

STATE OF TEXAS, }
LIMESTONE COUNTY, Oct. 5, 1871. }

Hon. J. W. OLIVER:

SIR: I submit the following statement, which in substance is correct:

On Saturday about 5 o'clock P. M., I was in conversation with a stranger, who had approached me upon professional business, standing on the pavement in front of Clark & Key's saloon on Navasota street next door west of Zadek's restaurant.

I observed Messrs Applewhite, Galagher, Strausberger and Capt. A. G. Hall walk into the saloon above named.

Police officer Cotton and another colored policeman walked to the door of the saloon. Mr. Applewhite, the deceased, remarked, "They cant take me; if they undertake it there will be an insurrection." I think this was the remark, making at the time several similar remarks. Policeman Cotton advanced near the counter where the deceased and party where standing, fronting the deceased.

At this juncture, some words passed; I did not hear them distinctly.

During this time, the deceased took one step backwards, drew his Deringer pistol, holding it behind him. Policeman Cotton immediately after drew his revolver, raising his hand and pistol above his shoulder, in a striking attitude. The other policeman was standing near the door some eight feet from policeman Cotton and deceased, with his pistol, in hand. I did not see when he drew it. I said "Don't shoot!" three times in quick succession.

Capt. A. G. Hall also said, "Don't shoot!" He and I spoke in a loud voice. Policeman Cotton lowered his pistol upon a level with the deceased and fired at the body of the same.

This was the first shot that was fired. I withdrew instantly in the direction of the restaurant above named. Immediately after the first pistol report, I heard several others in quick succession. I then further retreated around Zadek's corner, in a southerly direction, on the West side of Waco street, towards my office. I looked up Waco street, in a northerly direction; saw deceased running rapidly from French's auction house, opposite Zadek's restaurant, to Leonard's corner, being a diagonal course from Zadek's restaurant, pursued by policeman Cotton and others; Jones, the jailor, being some distance in the rear when I saw him.

I saw deceased fall near, or at the corner. Several shots were fired there.

Saw policemen with pistols in hand pointing towards deceased, but cannot state positively whether any shot him but Cotton. I think one of the policemen was but a step or two behind Cotton when Cotton overtook deceased at Leonard's corner. After this occurred the policemen immediately went to the mayor's office. The excitement by this time was indescribable. Many persons cried out: "Arrest the police!" Policeman Cotton dared them to come. I went to the mayor's office, advised them to surrender, to which they agreed, but desired a guard of colored men.

I sent a number of colored men to confer with mayor Zadek at his restaurant. I went back to the restaurant to direct and assist in sending them back to take charge of the policemen. Mayor Za-

dek, myself and others gave them instructions, and sent them to take charge of the policemen at the mayor's office.

Before they reached there several men rode up among the excited mass, and cried out: "*Arm yourselves, everybody! the negroes are marching into town, armed!*"

The excitement was then at its highest pitch. Some were swearing that their propositions and suggestions were best, and damming everybody who differed with them. The white Republicans seemed to be in much danger. I was advised of the danger the Republicans were in; many of them left, but I determined not to go, and informed my friends of my determination. Captain Robertson commanded one company of the citizens, Captain Richardson another. D. W. Lewis and Major Watts seemed to be prominent in the movement above described.

There were many rash acts and threats of an inflammatory character against individuals who were supposed to sympathise with the policemen, but mostly emanating from parties residing in the county, whose names I did not know.

The committee which called upon you upon your arrival did, in conjunction with the mayor, much to allay the excitement and restore peace and quiet from the very inception of this outbreak, and cannot receive too much credit from all lovers of law and order. A negro man was murdered after dark. I saw the dead body. His wife stated at the inquest he was shot near his door. I saw a quantity of blood in a foot or two of his door, where his wife stated he was shot. She stated no other person was present but herself. She stated several persons came in fifteen feet of her door; her husband walked out; one of them said "Halt!" The deceased remarked, "Don't you know me?" They said, "Pull down on him!" and another shot him, being one of the same party. She stated he "was shot with a gun, but did not know the parties who did the shooting;" it was in the dark.

Hoping this will be in compliance with your request, I remain your friend,

J. S. THURMOND,
Attorney at Law.

STATEMENT OF J. L. BOLLING.

THE STATE OF TEXAS, } Being called upon by the Hon. J. W.
Limestone County. } Oliver to furnish a true but brief statement in regard to the late trouble in the city of Groesbeck, growing out of the killing of Applewhite by a State policeman, I state, upon

oath, that I, though near the scene of action, did not see the origin of the difficulty; but know that immediately after the killing, lawlessness prevailed to an alarming extent; the city and county in arms; the mayor, A. Zadek, intimidated, and forced to do or say anything; was forced to leave his home with his wife and babe; was menaced by reckless parties, and came near being assassinated in his private room. Know that he did everything in his power to preserve the peace; know that his life was in imminent danger, and believe he is yet in great danger. Know that the leaders of the Republican party were threatened. Know that W. W. Orr, G. A. Walls, and D. W. Lewis and others, did and said much to influence the public and incite them to murder and bloodshed, and much more beside. Will say, that but for the submissive course pursued by the mayor, the county of Limestone would have been deluged in blood and carnage; think he deserves great credit for the course pursued by him in the premises.

(Signed)

J. L. BOLLING.

October 5, A. D. 1871.

I further swear, that I write the foregoing in great haste, for fear it be known that I make this statement.

(Signed)

J. L. B.

* Sworn to and subscribed before me, this fifth day of October, A. D. 1871.

STATEMENT OF JAMES F. HUSTON.

SPRINGFIELD, TEXAS, Oct. 5, 1871.

Hon. J. W. OLIVER,

Judge Thirty-third Judicial District :

DEAR SIR: On last Saturday evening late I heard that a man had been killed in Groesbeck, by the State police. When the stage arrived I heard that a white man and one or more negroes had been killed, and that everybody were in arms to arrest the murderers. Sheriff Young and his deputy were sent for, and went to Groesbeck. About 7 o'clock A. M., Sunday, Mr. W. B. Bonner, clerk and registrar, was waited on, and told that white men were being shot down like dogs by the negro State police, almost constantly, and that the community and people were perfectly incensed and could not, *nor would not*, stand it longer. Peace, they said, they wanted; but *protection* they were determined to have. Mr. Bonner told them (the committee) that he would have the State police, special guards, etc., all on the ground as soon as possible to enforce

law and order, and that everything should be done, and that nothing should be left undone to restore order and enforce the law. Mr. Bonner was told that the people will not permit negro police to enforce the laws, and that the mere sight of the negro police would surely lead to bloodshed. Much more of the same kind of language was used by the committee—and also told Mr. Bonner that something must be done, and that quickly; and that *no* negro police could be used, or *should be*. Mr. Bonner then asked, "If I cannot use the men and officers that the law directs I shall use, what am I to do?" The committee's answer was about this: "Keep *all* the negro police and negroes out of the way; make a police of my company (or the white State militia) and arrest the murderers of Applewhite, and put them in jail, and conduct the matter and the election *right*; and I (Captain Richardson), and we (the committee), can guarantee that you are safe" (meaning Radicals and negroes). Mr. Bonner, after due consultation, concluded to throw himself and give himself, friends and party to the committee, and ask for the protection of his life, and the lives of many citizens, which he did.

About 8 or 9 o'clock A. M., Capt. Newton, D. P. S., returned from Groesbeck; said the excitement was as great as it could be; said he was very fortunate to get out alive. Soon afterwards Sheriff Ycung returned from Groesbeck, and said that the excitement was past all reason, and to save his life, he had to do nearly as the mob directed; said he did not know what to do; that he was powerless. When told what Mr. Bonner had done, said it was our only chance and hope, and has been acting with Capt. Richardson up to this time.

The universal demand was, that the negroes charged with the killing of Applewhite, should be arrested at all hazards and placed in jail, and the first prudent step to be taken was to arrest, or restrain the mad mob at Groesbeck. To this end Capt. Richardson took some sixty or seventy of his men and went to Groesbeck; Sheriff Young, Mr. Bonner, Judge D. M. Pendergrast as a mediator and spokesman.

In the meantime the State police reported to the sheriff that they had the parties charged with the killing, and as soon as they had assurance that the prisoners would be safe, that they (the police) would bring the parties to jail; and while Captain Richardson and the sheriff and others were in Groesbeck, Esq. S. Jones, of Beat No. 5, (Kosse) went to where the prisoners were and assured them that they should be protected, and that the police were safe in bringing and putting the accused in jail, and agreed and arranged that twenty colored men and twenty white men should have charge of

the safety of the prisoners; and under this agreement the accused were brought here and placed in jail, where they now are.

I am told that there are warrants out for some two or three more parties charged as *particeps criminis*, and I am satisfied that Sheriff Young is using due diligence to have them arrested.

Early Sunday morning a large number of men (for this place) collected; *all* had arms; some pistols, some shot guns, rifles, etc., and every few minutes parties of two or more were seen riding rapidly into town, much excited, and all *armed*.

After Captain Richardson's company left for Groesbeck, armed and excited men could be seen to gallop into the town, stop just long enough to ask a question or two, get an answer, and leave in a full gallop—some at full speed in the direction of Groesbeck.

When the men returned, I was on the north side of the square, and I returned to the south side just as Capt. R.'s company were going to the north side, so that nearly the whole company passed by me. I am known to all as the Treasurer of Limestone county, and that I got my appointment from Governor Davis, and as such I was condemned. The following language was used by several of the company, to-wit: "There is the damned old scoundrel!" "That's the damned old Radical son-of-a-bitch!" "Git to your hole!" "We'll get you yet, you damned Radical son-of-a-bitch!" hissing, jeering and the like. I considered my life in great danger, and got in the house as soon as I could.

Soon afterwards, some two or three or four companies or squads of excited and armed men followed Capt. Richardson's company

Springfield—some from all parts of the county, I should say some two or three hundred in all—all demanding the arrest, at all hazards, of all who were accused of having anything to do in the killing of Applewhite; and all appeared to unite in this, that they would have no more negro police; and it was frequently expressed, that "the negro must be wiped out." Several propositions were made to "charge the court house and take the prisoners." I am told, and heard as much, that a "fight with the negroes was desired by many," and expected by nearly all. During the time that the men were collecting, *none* came to my house, where the county officers board. The crowd treated *every man who was known to have Republican sentiments* with derision and contempt. I saw three white men charge on some two or three negroes present, and cock their guns, but were called back by some parties who appeared to be in command. I cannot name all the men who called on Mr. Bonner on Sunday morning.

The following are the names of all I recollect at the time: Capt.

W. Richardson, W. P. Brown, H. M. Roberts, Capt. J. W. Stevens, J. L. Farrer, Dr. M. Kemp, J. R. Johnson, and some others.

All that I saw, heard and know, convinces me that the men that were under arms on Sunday, or most of them, were acting under regular leaders, and all seemed to act in concert, like organized men; and it is generally believed that they were all organized in companies, etc. For some reason Capt. Richardson called his men together as soon as he heard of the killing of Mr. Applewhite, and had them nearly ready to act when he offered his and their services to Mr. Bonner.

I do not consider any of the Republican county officers safe here at present.

Republicans have not numbers sufficient to protect themselves, and I respectfully ask your honor to adopt and recommend to His Excellency Governor Davis, such measures as will give protection to all.

(Signed)

I am, respectfully, etc.,

JAS. F. HUSTON,

Treasurer of Limestone Co.

STATEMENT OF HON. J. W. OLIVER.

SPRINGFIELD, TEXAS, October 6, 1871.

To His Excellency E. J. DAVIS,

Governor of the State of Texas:

DEAR SIR: I have been here, and have thoroughly, and to my entire satisfaction, investigated the conduct of the rioters of Limestone county, and to give you a detailed account of the outrages would keep me writing for a week. Suffice it to say that I know of nothing in the history of the government that so loudly calls and demands the most severe and summary punishment as the participants in this *hellish mob, hatred, malice, murder*, and the complete and ruination of Republicans is the compound.

I can't do the subject justice, and I will say that nothing less than the trial and punishment of at least fifty to one hundred men by a determined court martial, backed by from two to three hundred brave and loyal men, will do any good; and unless this is done the whole matter will be a farce. The rioters can prove anything they want to, and it is no use to prosecute them in the courts; and even if I were to arrest and try them, I would be compelled to try with jurors equally guilty as the accused, and it would simply be a foolish undertaking.

Now, Governor, I am not excited at all. I mean precisely what I say.

I enclose you some statements of gentlemen, and I will say to you that some of the parties making the statements tell me that they are afraid to tell the whole truth about this matter until they feel that this State is not to be handed over to the enemies of the government.

I am going to stay with these scoundrels, and I commence on to-morrow to arrest some twenty or thirty of the ringleaders; and I will do it, or somebody will get badly hurt. Many of the villains are defiant, but I intend to test their grit before 12 M. to-morrow. Some of the villains are now getting very sorry, since I have created in their minds the certainty of the remedy to be applied to them. They say the *good* people want peace, and all that; but they always fail to say anything that would protect anybody but themselves. They see it is going to cost something, and they are sorry indeed.

Republicans must be protected, and an example made of this county. There are a few good men, but they are afraid to offer resistance to the mob, which extends from one end of the county to the other.

Martial law, and a court composed of men of *steel*, and two hundred to three hundred troops—United States troops at that, if they can be had—is the only thing to conquer effectually these outlaws.

Telegraph to me, or write, as you prefer, what I am to expect. I will say no more, as I deem it unnecessary.

I send this by Judge Jones, who is one of the Board of Appeals of this county, and who can give you his experience.

Yours, etc.,

(Signed)

J. W. OLIVER.

STATEMENT OF GEORGE W. FARROW.

GROESBECK, TEXAS, Oct. 6, 1871.

Hon. J. W. OLIVER:

DEAR SIR: In answer to your questions of this morning, in relation to the arrest of certain parties named by you as being connected with the late *riot* in this county, we beg to state we do not deem it prudent or safe to arrest the parties at present; and we fully believe that if an attempt was made to do so at this time (owing to the feeling now existing in this county, growing out from the late riot; and the election still going on), that the

county would again be thrown into a state of excitement, and we would be powerless in discharging our duties.

Respectfully,

(Signed)

GEO. W. FARROW,
Capt. State Police.

(Signed)

S. P. YOUNG,
Sheriff Limestone County.

STATEMENT OF REGISTRAR, JUDGES OF ELECTION
AND SHERIFF, OF LIMESTONE COUNTY.

SPRINGFIELD, October 3, 1871.

To His Excellency Governor E. J. DAVIS :

DEAR SIR: The late disturbances in our county render it necessary for us to give you an explicit and detailed account of their causes and effects as directly involving the interests of our county, and indirectly our personal welfare and the interests of our party. While we positively disclaim any intention to wreak or attempt to wreak vengeance on our enemies, we are firmly convinced of the absolute necessity of martial law in this county. Crimes most heinous have been committed against the lives and peace of our citizens, in so many instances, and backed by such a strong insurrectionary power, thoroughly armed and equipped, that the civil authority is impotent to punish them. So confident are these insurrectionary forces of freedom from prosecution that they openly laugh at any attempt of an officer directed towards them, and intimate openly their ability and readiness to put him out of the way. We are too well acquainted with the condition of society in this State to doubt for one moment the importance of such threats; hence, under the circumstances, we are entirely unable in a civil capacity to arrest or deal with these offenders as the law demands. To talk of letting this matter pass, and these crimes be unpunished, is simply to say to all the Republicans in the county, henceforth you are the slaves of these parties and entirely at their mercy; for, like the taste of blood to the hound, this gratification of their passions without punishment will serve only to incite them to future and greater excesses.

Now for a plain, unvarnished tale of the circumstances of the riot, commencing in Groesbeeck, on Saturday the first day of October. This statement can be substantiated by responsible citizens in every particular. Some of the special police were in Groesbeck, and the mayor was using them to preserve the peace. They had in

charge a man named Dan Gallagher, who had been arrested for disturbing the peace. Applewhite went on his bond and he was released. All parties then went into Clark's saloon to drink. Angry words soon passed, the exact import of which we do not now know; both policeman and Applewhite drew their weapons at the same time and fired, Applewhite being mortally wounded, and the policeman severely wounded in the left arm; he sprang at the policeman, and passing him ran out in the street where he was speedily finished, with those shocking circumstances invariably accompanying homicide in the midst of great excitement. Like a spark of fire in powder the circumstance kindled the wildest excitement, the mayor himself catching the infection. He called out wildly for the whole town to arm, which gave the mob the pretext they desired, and in the course of two hours the town was in possession of three or four hundred armed men, drunk and wild with excitement, threatening vengeance on Republicans and negroes and forcing the mayor to shut himself up in his house in momentary dread of losing his life. A portion of the mob went to the house of an unoffending, innocent negro working in the store of Lee & Mix, and murdered him in his own door. All during the night the turmoil continued; the mob shouting and yelling, and discharging firearms incessantly. The policemen, with the assistance of their friends, managed to get out of town, and were carried to the quarters of Merrit Trammell, a State policeman. On the morning of Sunday the registrar ordered Captain Richardson's company of State Guards to arm and go with him to Groesbeck to assist in quelling the disturbance. On our arrival there the avowed sympathy of Captain Richardson's company with the rioters was so manifest that the registrar and sheriff deemed it best to conciliate, as much as possible. But conciliation was of no avail. They dictated their terms, and Mr. Young, the sheriff, was forced to obey them, or promise to, to avoid bloodshed. Mr. Zadek, the mayor, was surrounded by an armed force of two hundred men, and was going through the farce of holding a council meeting, composed of special aldermen, under the fear and dictation of the armed mob without. Great allowance is to be made for the indiscretion of Mr. Zadek on account of the dangerous position in which he was placed, with no chance of assistance reaching him soon. He was virtually a prisoner, and forced to sanction, with his name and official position, the outrages of the mob. For instance: a body of fifty men, under the sheriff, and with a warrant to arrest the two policemen, on their way boasted of the men and children they would murder, and the women they would ravish; the sheriff himself being an unwilling participant in the vile concern.

The only terms the mob would make was, that the two policemen were to be arrested and guarded, and that unless the sheriff did so, they would kill every negro or do it themselves. Seeing the danger of immediate conflict, the Republicans of the county went to the boys and prevailed on them to give themselves up to the sheriff, with the assurance that their lives were to be protected and the mob in Groesbeck disarmed. Captain Richardsen, of the State Guards, pledged himself to this. The boys (policemen) were brought to the court house, and a guard of twenty white and twenty colored militia were placed over them. They were carried to the courthouse because the wounded man was in no condition to be put in jail. The guards had barely been stationed, however, when a company of men from Groesbeck, armed, rode into Springfield and gave the sheriff five minutes to put the men in jail. There is no doubt but unless this thing had been done, a general massacre of Republicans and negroes would have been the result. On the way to jail several attempts were made to fire at them which the prudence of individual men prevented.

From this time on, during Sunday and Sunday night and Monday, the mob kept possession of Groesbeck and of the county. On Monday distinct information was conveyed to the board of election that unless the polls were opened on Tuesday our lives would not be safe. We did not consider that any fair election could be held, and had determined not to open the polls; but in order to save ourselves and prevent further riot, we have opened them, and the Democrats are now voting everybody they want to, and running us as completely as they have heretofore run Mayor Zadek. Not a single colored man has been up to-day, and they have sent us word they will not come and be murdered. Of course, no such election will be counted, and we will in all probability close the polls as soon as we believe we can safely do so.

This is a general statement of facts, leaving out those individual cases of intimidation and assault, which would make this communication too long, although they are in themselves sufficient to justify the demand we make of you for martial law. For instance, the deputy sheriff was given two minutes to leave Groesbeck on Sunday morning, and left with twenty fire-arms levelled at him. Mr. Bonner and Judge Jones, the registrar and judge of election, were deliberately aimed at, and would have been shot, but for the timely interference of Major Farrar, on the public square of Springfield, and the universal vilification and abuse heaped on us at every corner and by-way.

Under the circumstances, we feel ourselves compelled to ask of your Excellency the protection and support of the State govern-

ment. We ask it as Republicans who have been faithful to your administration and the general government, and who are now in that degree of danger, to our lives, our persons, and our property, justifying the interference of the executive rod.

Hoping no misrepresentations may deter your Excellency from granting us the relief asked, we are,

Your obedient servants,

(Signed)

W. B. BONNER, Registrar.

(Signed)

S. M. JONES,

Justice of the Peace and Judge of Election.

(Signed)

JOHN H. WELSH, Judge of Election.

(Signed)

ALFRED BRYAN, Judge of Election.

(Signed)

S. P. YOUNG, Sheriff.

(Signed)

CAPT. C. H. NEWTON, Deputy Sheriff.

STATEMENT OF S. J. WEAVER AND M. A. TUCKER.

To His Excellency E. J. DAVIS, Governor, and JAMES P. NEWCOMB, Secretary of State:

The undersigned, Board of Election and Registrar of Limestone county, beg most respectfully to submit:

That having been appointed for the purpose of holding and securing to the people of Limestone county a fair and peaceable election, it was our intention, in accordance with law, to open the polls of said county on the 3rd day of October, 1871, and to record and properly report the votes then and there polled, to the proper authorities, as in duty bound. In accordance with law the registrar commenced the registration of voters on the 12th day of September last, and for ten consecutive days, without interruption, continued the registration of voters as required by law. On the 28th day of September last, it being Wednesday, the Board of Revision entered on the discharge of the duties of their offices, and were proceeding quietly therein when they were stopped by an unfortunate riot, commencing at Groesbeck on Saturday night, and extending, before Sunday morning, to all parts of the county. The riot was so extensive and important as to attract the attention of the whole State of Texas, and to prevent a fair and free expression of the political sentiment of the people of Limestone county in the then approaching election. Political bitterness and rancor which had been stirred up by the late canvass to the utmost tension of political prudence, broke forth like some volcanic power, and threatened the entire disruption of all peaceful relations, and the immolation of hundreds

of victims upon the altar of civil strife. The difficulty unfortunately took the direction of a conflict between races, which caused the danger to be more imminent and impressive. The colored portion of our population, being in the minority, retreated into the woods and threw themselves on the defensive. This left the representatives of Democracy entirely masters of the field, who, in drunken riot, (the majority of them) thoroughly armed and vowing vengeance on their opponents, kept the county wild with excitement and entirely intimidated the citizens, making it impossible to secure a full, fair and impartial vote of the citizens of Limestone county.

Under the circumstances, your humble servants conceived it unsafe and improper to hold any election whatever, and had determined on such a course, when we were notified by representatives of the mob that the only way to secure peace to the community and save our lives, was to open the polls. With this assurance we opened them and received the votes, a return of which is herewith enclosed. You will perceive that the entire vote is mostly cast for the Democratic candidate, but a few who were on official duty at the county seat casting their votes for the Republican candidate. The remaining voters were deterred from voting, especially the colored portion, by fear, and numbers of those who voted the Democratic ticket had given assurance of their intention to vote the Republican some time previous to the election. The premises considered, we think ourselves justified in arriving at the following conclusion:

First—Of the number voted, viz, 1188, at least 79 had been objected to by the Board of Revision for good and sufficient reasons, and 200 at least had been improperly registered on a sixty days residence in the county, instead of six months, as the law requires. Add to these say 150 men who were induced by the prevailing bitterness of partisan feeling to vote against their inclinations, and we have 429 votes to be taken from those actually polled for the Democratic candidate. The entire number of colored voters registered is 843, of whom fully two-thirds would have voted, and all have voted the Republican ticket. Deducting the rejected voters, and those improperly registered, from the number actually polled, and deducting the number who would have voted for the Republican candidate, but were forced by the circumstances to vote against it, and adding them to the number who would have voted the Republican ticket, and we have a balance left to the Democratic nominee of 734, and 737 votes which would have been given to the Republican candidate, had a full, fair and impartial election been held.

This estimate, while we think it entirely satisfactory and reliable,

is of course subject to the liability to error so common on any estimate of a popular vote. Individually we are of the opinion that the whole county should be thrown out on account of the entire lack of anything like a fair election, but we submit the facts and leave the decision of the matter to your Excellency.

A more full and complete description of the riot will be found in the Governor's or Adjutant General's Office, and we refer to it to justify our report as to the character and influence of the mob.

Respectfully submitted,

(Signed)

W. B. BONNER, Registrar.

(Signed)

S. M. JONES,

(Signed)

JOHN H. WELCH,

(Signed)

ALFRED BRYAN,

} Judges of Election.

We, the undersigned, citizens of Limestone county, believe the above report to be entirely consistent with truth and justice, and made with the intention to prevent the acceptance of a return secured by mob violence and intimidation. The main facts of the riot we are acquainted with, and conceive them amply sufficient to cause the most extraordinary intimidation, and we know that it did prevent a large number of duly qualified electors from exercising the privilege of voting.

(Signed)

S. J. WEAVER,

(Signed)

M. A. TUCKER.

NOTE BY SECRETARY OF STATE.

Limestone County.—Number who voted 1178; white 1167; colored 11; total registered colored vote 844; voted for D. C. Giddings 1153; voted for W. T. Clark 28; voted for Stevenson 1; failed to vote (colored) 833.

STATEMENT OF W. H. TRACY, REGISTRAR OF FREESTONE COUNTY.

SPRINGFIELD, October 8, 1871.

His Excellency E. J. DAVIS,

Governor of the State of Texas:

DEAR SIR: The undersigned was duly appointed registrar of Freestone county, and went to Fairfield on the thirteenth ultimo to attend to the duties of that office.

Since my advent in Fairfield I was the object of mistrust, intimidation and abuse beyond parallel heretofore.

On my arrival there I found over fifty men under arms, acting as special policemen, without any legal authority whatever, who continued to act as such during the election, and used their authority and assumed position to prevent Republican voters from polling their votes, and to assist the Democracy in polling fraudulent ones. They were called out by the Democratic Club at Fairfield, and were in such strength as to prevent the use of my special policemen, and entirely deprived me of the power to enforce the Governor's orders, or secure to the people a full and fair expression at the polls. The following, among many others, will give you an idea of the character of the intimidation practiced :

Sheriff J. B. Rogers, District Collector H. G. Anderson, Thomas Tatum, and Thomas Blackburn, deputy in district clerk's office, and other officers, had negroes under their control, among them one Oliver Cleaveland, whom they forced to vote the Democratic ticket, threatening them if they did not that they would have to leave there, and that after the election they would have hot times of it; saying further that they intended going for the policemen, and no white Republican should live in that county.

William Blain told one freedman that he had better not vote for Clark. Voted for Giddings through fear. His name was Belleville Simmons.

James Clark told Hy. Williams, a freedman, that he would kill him as he went home if he voted for Clark.

Albert Hendricks came to the polls with Pompey Walker and Jo. Walker, and told them they would have to vote for Giddings or they would have to leave his place.

Tom Jefferson made Green Carter vote for Giddings.

Dr. Rowls made Butler Polk, a freedman, vote for Giddings. He was assisted in this intimidation by Wm. Looney, who told Butler that he was lame now and if he did not vote for Giddings he would be lamer before night.

Lee Green, deputy sheriff, made one Robert Buzby vote for Giddings.

Thomas Jefferson tried to drive one of the police from the entrance of the courthouse, because he would not let him in during the counting of the votes, and told him: "Dam you, I will kill you before you leave town," drawing, at the same time, a large stick on him. Louis H. Shelton, (white,) Bradley, an attorney, and others, said that I, (the registrar,) had better leave there in the night if I wanted to get away alive; that they did not mind losing a sweetheart, but hated to lose me. Reported by Marshall J. Smith, school-teacher.

W. P. Rose voted twice. Lawyer Graves and lawyer Gibbs made

Mims Gibbs and John Lane vote the Democratic ticket, coming up to the polls with them for that purpose.

Linn Stubbs made one George Walker vote the Democratic ticket, telling him if he did not he would not let him have any more credit.

Sam Newman lives in Leon county; told C. H. Prowell if he couldn't vote in Fairfield he would go to Leon and vote.

Sam Wells, who has lived in Navarro county four years, came to Fairfield and voted.

Frank Ryan, a transient man, swore out registration papers and voted, but had not been in the county two weeks.

These are a few only of the hundreds of cases of a similar nature. We had no fair election whatever. We are satisfied that two hundred and fifty white men would have voted the Republican ticket who were forced to vote for Giddings by the press of circumstances. One hundred and fifty colored men were absolutely compelled to vote against us, and against their wishes, by the rabble Democracy. Among the remaining votes for Giddings, 163 had registered by proxy under King, contrary to all law; this will make a total of 563 votes illegally cast for Giddings, which taken from the number altogether cast for him leaves him 584 votes, which are all to which he is justly and legally entitled. These votes would all have been cast for Gen. Clark, and we believe the law warrants it, and he should have them, which would give him 1364 votes, to which he is justly and legally entitled. The fact of intimidation can be proven by scores of witnesses without the least trouble. Three bailiffs and the sheriff were forced into the room where we were counting ballots; and during election I was guarded by three of their armed men to and from the store where I deposited the ballot box. I overheard the deputy sheriff, Thomas Tatum, say yesterday that if I got away from there with my neck safe I would be doing well. The threatening aspect of affairs forced me to leave for my personal safety. I took ten of my policemen and started for Mr. Morse's in Freestone county, but fearing an attack there, I rode on in haste to this place, where I finish my report.

The condition of affairs in that county demand immediate attention. It is a fact that will not bear contradiction. It is a fact that will not bear contradiction that opinion is no longer free, and the old rebel political autocrats of 1861 are running the county in the interest of the government. The secret association, which is known among the cow-boys as the "Blue Lodge," Ku-Klux in its nature, is organized in all parts of the county. They are thoroughly armed and prepared at a moment's notice to enter on their work of rebellion and bloodshed.

Very respectfully,

(Signed)

W. H. TRACY,
Registrar Freestone County.

The above report is entirely correct. We can personally certify to the main facts.

his
EDGAR ✕ EMANUEL,
mark.

his
WM. ✕ HARRISON,
mark.

his
LEE ✕ DUMAS,
mark.

his
SI ✕ PAINEY,
mark.

THE STATE OF TEXAS, } The above and foregoing report was
Limestone County. } signed and sworn to before me this 8th
day of October, A. D. 1871.

To certify which I have have hereto set my hand and official seal.

[L. S.] (Signed)

W. B. BONNER,

Clerk D. C. L. C.

10:30 o'clock A. M.

SPECIAL ORDER,

Viz: House bill No. 810, to be entitled "An act concerning private corporations."

On motion of Mr. Evans the special order was postponed until 11 o'clock A. M. to-morrow.

Mr. Jo. Abbott moved that the consideration of the Governor's message and accompanying papers be postponed until 12 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Evans, George, Gaston, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Simmons, Smyth, Spencer, Tegener, Van Noy, Weaver, Young—39.

Nays—Messrs. Richard Allen, Burley, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, Grothaus, Hamilton, Harn, Kendall, Locke, Lorance, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley,

Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—36.

So the consideration of the Governor's message and accompanying papers was postponed until 12 o'clock M. to-morrow.

Senate bill No. 369 was then ordered to its third reading.

On motion of Mr. Grothaus the rules were further suspended and Senate bill No. 369 was read the third time, passed and its title agreed to.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 12, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 777, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2 1870;" No. 778, "An act prescribing the times of holding the district courts in the Twenty-sixth judicial district;" No. 763, "An act to prohibit the sale of intoxicating liquors to persons within the scholastic age in the State of Texas;" No. 723, "An act to amend an act entitled an act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of the public square in the town of Alvarado, Johnson county, Texas, approved November 10, 1866;" No. 762, "An act to provide for the payment of sheriffs in conveying prisoners to State penitentiary;" No. 282, "An act to authorize Robert Holmes and others to construct a boom across the Brazos river;" No. 751, "An act to amend an act approved May 2, 1871, entitled an act to amend an act, entitled an act to incorporate the Galveston City Railroad Company, approved October 8, 1866;" No. 733, "An act to incorporate Edom Academy in Cook county, Texas;" No. 427, "An act to authorize C. Duncan and G. W. Patten to erect a toll bridge over Aquilla creek in the county of McLellan, Texas;" No. 164, "An act to incorporate the town of Pittsburg, in Upshur county," and No. 710, "An act to incorporate the Corpus Christi and Rio Grande Railroad Company," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman.

GROTHAUS.

POSEY.

Reports accepted, and Chief Clerk dispatched to the Senate with the enrolled bills reported on by the committee for the signature of the President of that body.

Mr. Lane moved a suspension of the rules to take up out of its regular order Senate bill No. 467. Rules suspended and Senate bill No. 467 was read the first time.

On motion of Mr. Zoeller, the rules were suspended and Senate bill No. 467 was read the second time.

On motion of Mr. Zoeller, the rule requiring all bills on their second reading to be referred to committees, was suspended in this case and Senate bill No. 467 was ordered to its third reading.

On motion of Mr. Lane, the rules were further suspended and Senate bill No. 467 was read the third time, passed and its title agreed to.

By unanimous consent Mr. Locke offered following resolution :

Resolved, That the use of this hall be granted to Professor Van Nostrand, on such evening as he may designate to the Speaker of the House, for an exhibition of the pupils of the Deaf and Dumb Asylum, and that a committee of two be appointed to inform him of the action of the House in this matter.

Resolution read first and second times, and on motion of Mr. Locke it was adopted.

On motion of Mr. Franks the rules were suspended and Senate bill No. 148, to be entitled "An act regulating the removal of disabilities of minors," was taken up out of its regular order and read the first time.

On motion of Mr. Franks the rules were further suspended and Senate bill No. 148 was read the second time and referred to the Committee on Judiciary.

On motion of Mr. Plumley the Governor's message and accompanying papers, in relation to the declaration of martial law in Limestone and Freestone counties, were ordered to be printed for the use of the House.

On motion of Mr. Pierson the rules were suspended and Senate bill No. 458, to be entitled "An act to amend 'an act to incorporate the Sabine and Neches Bridge Company,' passed May 18, 1871," was taken up out of its regular order and read the first time.

On motion of Mr. Pierson the rules were suspended and Senate bill No. 458 was read the second time.

On motion of Mr. Plumley the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 458 was ordered to its third reading.

On motion of Mr. Pierson the rules were further suspended and Senate bill No. 458 was read the third time, passed, and its title agreed to.

Mr. Gardiner moved a suspension of the rules to take up Senate

bills on their first reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Camp, Cotton, Dorris, Evans, Franks, Gardiner, Grothaus, Harn, Kendall, Locke, Lorange, McKee of Guadalupe, McLean Medlock, Mitchell, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Sheriff, Shoemaker, Tinsley, Van Noy, Williams of Walker, York, Young, Youngkin, Zoeller—31.

Nays—Messrs. Abbott of Hill, Austin, Booty, Burley, Chambers, Cole, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, Posey, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Simmons, Smyth, Stirman, Stockbridge, Tegener, Weaver, Williams of Colorado—29.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

A message was received from the Senate returning the following House bills: Nos. 196 and 393, which that body had passed without amendment.

Also passed with amendment House bill No. 696.

Also returning House bill No. 173, that body having receded from its amendments.

By unanimous consent Mr. Zoeller introduced a bill, (H. B. No. 811,) to be entitled "An act authorizing the Commissioner of the General Land Office to issue land certificates in certain cases," which was read the first time.

On motion of Mr. Camp the rules were suspended, and House bill No. 811 was read the second time and referred to the Committee on Public Lands and Land Office.

Mr. Evans moved a suspension of the rules to take from the table Senate bill No 316, to be entitled "An act authorizing the judges of the district courts to remove justices of the peace for cause."

Rules suspended.

On motion of Mr. Schutze Senate bill No. 316 was recommitted to the Committee on Judiciary.

By unanimous consent Mr. Schutze introduced a bill, (H. B. No. 812,) to be entitled "An act to incorporate the Colorado Fire Company No. 2, of the city of Austin," which was read the first time.

On motion of Mr. Schutze the rules were suspended, and House bill No 812 was read the second time.

On motion of Mr. Schutze, the rule requiring all bills on their second reading to be referred to committees, was suspended in this case, and House bill No. 812 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Schutze, the rules were further suspended and House bill No. 812 was read the third time, passed and its title agreed to.

On motion of Mr. Hawkins, the rules were suspended to allow him to offer the following bills: A bill (House bill No. 813) to be entitled "An act to establish a ferry across Trinity river, at Prewit's old mill," which was read the first time.

On motion of Mr. Hawkins, the rules were suspended and House bill No. 813 read the second time and referred to the Committee on Roads, Bridges and Ferries, and a bill (House bill No. 814) to be entitled "An act to incorporate the Gathings Male and Female College," which was read the first time.

On motion of Mr. Hawkins, the rules were suspended and House bill No. 814 read the second time and referred to the Committee on Education.

On motion of Mr. H. R. Allen the rules were suspended and House bill No. 537, to be entitled "An act supplementary to 'an act to provide the mode of trying titles to land,' approved February 5, 1840," taken up out of its regular order and the House agreed to the following Senate amendment, viz: By adding to section one the following proviso: "*provided*, that such certified copies shall not be evidence of title in the defendant unless offered in evidence by him, and the plaintiff shall not be precluded from making any legal objection to such certified copies or the originals thereof when introduced by the defendant."

By unanimous consent Mr. Tegener introduced a bill (House bill No. 815) to be entitled "An act permanently establishing the county seat of Menard county," which was read the first time.

On motion of Mr. Tegener the rules were suspended and House bill No. 815 was read the second time and referred to the Committee on Town and City Corporations.

By unanimous consent Mr. Haswell introduced a bill (House bill No. 816) to be entitled "An act explanatory of an act entitled 'an act to amend the first, third and fifth sections of an act entitled an act to regulate the disposal of the public lands of the State of Texas, approved August 12, 1870,' passed May 16, 1871," which was read the first time.

On motion of Mr. Haswell the rules were suspended, House bill No. 816 read the second time and referred to the Committee on Public Lands and Land Office.

By unanimous consent Mr. Smyth introduced a bill (House bill No. 817) to be entitled "An act for the relief of the heirs of John Pate," which was read the first time.

On motion of Mr. Smyth the rules were suspended, House bill

No. 817 read the second time and referred to the Committee on Private Land Claims.

By unanimous consent Mr. Robb introduced a bill (House bill No. 818) to be entitled "An act to release Orange McCarty from paying State and county tax on the sale of groceries in the county of Angelina, State of Texas," which was read the first time.

On motion of Mr. Robb the rules were suspended, House bill No. 818 read the second time and referred to the Committee on Finance.

Mr. Johnson moved a suspension of the rules to allow him as Chairman of the Committee on Finance to submit a report.

Mr. Schutze moved a call of the House.

Call sustained.

On motion of Mr. Camp the House at 1 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 13, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Morris the reading of yesterday's journal was dispensed with.

On motion of Mr. Smyth the rules were suspended to allow him to introduce a bill (House bill No. 819) to be entitled "An act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State, approved August 10, 1870," which was read the first time.

On motion of Mr. Smyth the rules were suspended and House bill No. 819 was read the second time.

On motion of Mr. Chambers the rule requiring all bills on their second reading to be referred to committees was suspended in this case and House bill No. 819 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus the rules were further suspended and House bill No. 819 was read the third time, passed and its title agreed to.

On motion of Mr. Morrison the use of the Hall was granted on Monday evening next to the ladies' and gentlemen's concert, to be given for the benefit of the poor and distressed of Chicago, occasioned by the late fire.

The Chair laid before the House a communication from the County Court of Mason county, which was read and referred to the Committee on Judiciary.

Also, the following communication :

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS, }
Austin, Oct. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : In pursuance of a resolution passed by the House of Representatives September 22, 1871, requiring the Comptroller to furnish a statement of all accounts audited and paid in pursuance of the act entitled "An act to provide for repairing and making additions to the public buildings, the property of the State of Texas, at Austin, Texas, approved August 15, 1870, and that such report contain the items of such accounts," I have the honor to make the following report, with accompanying vouchers, viz :

Under appropriation 91 D : "Repairs on the Treasury building (roof)," appropriated \$1500, drawn upon requisition by J. W. Glenn, Engineer, the seventh day of September, 1870, and vouchers filed covering amount, as per copy of same herewith, marked "A."

Appropriation 92 D : "Repairs and additions Deaf and Dumb Asylum building," amount appropriated \$7500, drawn upon requisition by J. Van Nostrand the fourteenth of August, 1871. No vouchers yet filed.

Appropriation 93 D : "Repairs and additions Insane Asylum building," amount appropriated \$20,000, drawn by George W. Honey upon requisition May 8, 1871, the sum of \$195 33. Filed voucher covering same herewith, marked "B."

Drawn by George W. Honey upon requisition June 12, 1871, the sum of \$2144 68. No vouchers yet filed.

Treasury warrants have been issued upon certified and approved accounts, per copies herewith, marked "B 1," amounting to \$1076 07.

Treasury warrants have been issued to different parties, amounting in the aggregate to \$1864 34, being for items included in bills rendered for subsistence, but properly belonging to above appropriation. Total amount drawn \$5280 42, leaving balance undrawn of \$14,719 58.

Appropriation 94 D : "Repairs and additions on the Blind Institute building," amount appropriated \$9600. Treasury warrants have been issued upon accounts for the amount of \$270 90, as per copies of accounts herewith, marked "C." Amount undrawn \$9,329 10.

Appropriation 95 D: "Repairs and additions Capitol building." Paid Erastus Reed for Treasury warrant, as per account, copy herewith, marked "D," for amount of \$120.

Drawn by John W. Glenn, Engineer, upon requisition, the sum of six thousand dollars; date of requisition August 26, 1870.

Drawn by John W. Glenn, Engineer, September 22, 1870, upon requisition, the sum of six thousand three hundred and eighty (\$6,380) dollars. Total drawn and paid by warrant \$12,500.

Against amounts drawn by John W. Glenn upon requisition, the vouchers herewith, marked "D," have been filed with abstracts.

Appropriation 96 D: "Repairs and additions Supreme Court building," amount of appropriations \$11,600. Drawn upon requisition by John W. Glenn, Engineer, as follows, viz: August 26, 1870, \$5,000; September 27, 1870, \$6,600; total \$11,600.

Against this amount so drawn, the vouchers herewith, marked "E," have been filed.

Appropriation 97 D: "Repairs and additions Governor's mansion and grounds," amount of appropriation \$5000. Paid by Comptroller's warrant on the Treasury, vouchers herewith, 1 to 3, marked "F," \$981 04.

Drawn by John W. Glenn upon requisition, the sum of \$4000; vouchers herewith, marked "F 1," have been filed against said requisition.

Appropriation 98 D: "Artesian Well," amount appropriated \$5000; nothing expended.

Appropriation 99 D: "Furniture for the Capitol," amount appropriated \$3,500; drawn by John W. Glenn upon requisition September 27, 1870, \$3,500.

Filed vouchers, amounting to \$2,778 05, herewith transmitted, marked "S," and showing a balance not accounted for of \$721 95.

Respectfully submitted,

A. BLEDSOE, Comptroller.

Laid over under the rules.

Mr. Robertson presented the following memorial and affidavits from the citizens of Limestone county in reference to martial law:

MEMORIAL OF CITIZENS OF LIMESTONE COUNTY IN REFERENCE TO MARTIAL LAW.

*To the Honorable the Senate and House of Representatives of
the State of Texas:*

GENTLEMEN: On Saturday, September 30, D. C. Applewhite was shot and killed by Mitch. Cotton and three other colored State policemen.

The policemen fired the first shot, and at the time no resistance was made by the deceased. Immediately after he was shot he ran across Navasota street, passed through French's auction house and across Waco street, closely pursued by the policemen, who continued firing. When deceased reached the corner of Navasota and Waco streets he was knocked down by one of the policemen, and after falling to the ground was shot several times, and his body literally riddled with balls. While the policemen were retiring, A. Zadek, Jr., mayor of Groesbeck, came up and said to the crowd that was gathered around: "I summons you all to help me arrest those men (pointing to the policemen), and to help me keep the peace." A short time after this he made the same announcement to another crowd of citizens, all of whom armed themselves and came forward, subject to the order of the mayor.

From the body of Applewhite the four policemen retired to the mayor's office, on Navasota street, where they barricaded themselves, and in a loud and threatening manner defied the authorities and citizens to arrest them, flourishing their six-shooters and firing two or three shots at parties who were quietly passing on the opposite side of the street. Things remained in this condition for about an hour, when the four policemen were reinforced by about twenty of their associates, who came in from the direction of Springfield, armed and mounted. They consulted together a short time, when the entire force retreated from the town, uttering threats against the town and the white people generally, and fired a number of shots back while retreating. By this time it was growing dark, and parties coming in from the country reported that the negroes were being reinforced, and declared their intention to return and burn the town.

The mayor appointed A. H. Stegall, a responsible and well known citizen, marshal of the city, with instructions to organize a special police force, and to patrol the streets and guard the city. Under this order a force on foot and one mounted was organized, with instructions not to go outside the corporate limits.

At about midnight Young, sheriff of Limestone county, with his deputy, Captain Newton, came into Groesbeck. Affidavits were made out against the parties who had killed Applewhite, and warrants of arrest issued and placed in the hands of the sheriff. Up to this time the force organized by order of the mayor had confined their operations to the city limits. When the warrants of arrest were placed in the hands of the sheriff, he said to Dr. J. J. Robertson, who had been ordered to take command of the mounted patrol force: "I summon you and your men (about thirty-five in number) to proceed with me and arrest the men who killed Applewhite, and

for whom I hold warrants of arrest." This summons was obeyed, and the posse, headed by the sheriff, proceeded to within a half mile of what is known as "Merrick's Quarters," where it was understood the parties who killed Applewhite had taken refuge. Here the sheriff left the posse in command of Dr. Robertson, and, with his deputy, went in the direction of the Quarters. In a short while the sheriff returned and stated that he had seen Merrick and Giles Trammell, who controlled the colored police; that they stated that Mitch. Cotton had been sent off, but that Jones, one of the parties that the warrants called for, could be arrested. He then requested that T. J. Gibson, Esq., should accompany him, and that the remainder of the posse remain where they then were. This order was promptly obeyed. Sometime after the sheriff and Mr. Gibson returned and stated that Giles Trammell had gone on a mile and a half for the purpose of arresting Jones, and ordered that, as the posse could do him no further good, they return to Groesbeck, and that he would return to Merrick's Quarters; and as soon as the arrest was made he would take the prisoners to Springfield.

Dr. J. J. Robertson then returned with the posse to Groesbeck. When he reached there it was nearly daylight and everything was quiet. He then ordered his men to disperse, in pursuance of the sheriff's orders, which they promptly did. On the next day, Sunday, October 1, the news having spread throughout the county that the colored people were under arms and had threatened to attack and burn the town, the white citizens came in from all parts of the county, but were readily controlled by the mayor and his authority.

Early in the day Dr. J. J. Robertson was again summoned by the mayor; he was ordered to get together his men. A warrant for the arrest of the parties charged with the killing of Applewhite was placed in his hands; he was regularly deputed to execute it. After getting a short distance from town this order was revoked and his posse dispersed.

At about 10 o'clock A. M. the sheriff came into Groesbeck at the head of Capt. Richardson's company of State Guards. A consultation was held by the sheriff with the leading citizens of the county, when he decided to take Capt. Richardson's company and proceed and immediately arrest the parties charged with the killing of Applewhite.

By this time the policemen had been reinforced by from one to two hundred armed colored men. At about 5 o'clock P. M. the news came to Groesbeck that two of the parties, to-wit: Mitch Cotton and Jones, had been arrested and placed in jail. Quiet was immediately restored, and since that time no unusual excitement or disturbance has occurred.

On Wednesday, October 4, Judge J. W. Oliver reached Groesbeck. A meeting of the citizens was called, and Judge Oliver invited to attend; he was present, and stated that martial law had been threatened, but if the citizens would organize themselves into a special police force he would swear them to execute all orders and process according to law, and that martial law would be unnecessary, as they could make all necessary arrests, etc. Whereupon about fifty of the leading citizens of the county organized themselves into a special police force, were sworn in by Judge Oliver and placed in charge of Col. Mitchell, a well known citizen of the county, and to whose sworn statements we call especial attention. Since that time this force have held themselves subject to the order of Judge Oliver, and have made a number of arrests; indeed, the only arrests which have not been made, when ordered, of any party implicated in this tragedy or the alleged riot, is that of two colored policemen, against whom warrants of arrest were issued more than a week ago for the killing of Applewhite. But they are permitted by the authorities to go at large, and while this memorial is being prepared are walking the streets of Groesbeck, unmolested either by the officers of the law or any one else.

On Saturday night, during the excitement, a colored man named Bob Lee was killed. One Anthony Simms has been arrested and placed in jail, charged with the killing of said colored man. By his own acknowledgment he is doubtless the man who did the killing. This man Simms is notoriously insane, for the proof of which, as well as all other important matters herein set forth, we refer you to the accompanying affidavits.

During the election, the registrar placed Captain Richardson's company of State guards on duty at the polls, and we cannot conceive how any election could have passed off more quietly. No intimidation was used against the Republicans of the county; but, on the contrary, runners were sent throughout the county by Captain Richardson and leading citizens, pledging protection to every colored man who came to the polls; but they were ordered by the managers of the election and the leaders of the Republican party to stay away from the polls. A number were publicly ordered to retire from the polls, who had come forward to vote, with the remark that *then* was not the time for *them* to vote.

We respectfully submit this report with our accompanying proofs to your honorable body, and earnestly invite the calm and dispassionate attention of every member of the Legislature of Texas thereto. We respectfully insist that we have violated no law as a people. Everything done by us was at the command of the officers of the

law and for our own protection from the threats and menaces of a mob of infuriated men.

We would therefore appeal to you, as the representatives of a free, enlightened and law abiding people, to stand by us in this, the darkest hour of our history, and avert the evils and calamitous consequences which would be visited upon us by a declaration of martial law and a suspension of the writ of *habeas corpus* and right of trial by jury.

We have the honor to be, most respectfully, your fellow-citizens of Limestone county.

GROESBECK, October 11, 1871.

C. S. MITCHELL,
M. YELL,
C. C. GIBBS,
A. F. ROBBINS,
J. L. LEONARD,
E. H. CHURCH,
J. H. MARTIN,
CHARLES EIKA,
OTIS HAINS,
A. BLOCK,
A. S. JETT,
W. G. RANDALL,
J. HUEY,
F. KING,
D. T. KIRKPATRICK,
C. D. BROWN,
N. D. BARRY,
DEUTSCHE, COHN & Co.,
HENRY C. WOODWARD,
A. HABER,
P. SANGER,
N. B. DE JARNETTE,
W. H. MAYTUM,
J. A. ESTES,
D. T. IGLEHART,
D. C. ALDRICH,
C. H. ALLYN,
C. L. MILLER,
J. D. PARISH,
THOS. J. GIBSON,
W. H. RICHARDSON,
J. H. LOFLAND,
ED. LEE WALTON,

A. G. DOTY,
THOS. RANDALL,
W. H. BEAUMONT,
D. M. WHITE,
B. F. SEILL,
J. C. WAYLAND,
W. E. TOWNSEND,
W. A. PATTERSON,
H. M. ROBERTSON,
J. L. ROBERTSON,
W. D. FARISH,
W. H. FROST,
J. B. SIMONS,
ARTHUR B. HOMER,
A. G. HALL,
R. A. DAVIS,
J. C. WELCH,
F. Y. GOLDSBOROUGH,
JAS. E. EGAN,
T. C. BOWLWAN,
A. C. L. HILL,
T. L. MCCARTY,
WM. Y. CHIM,
A. SHARP,
GEOGIM WASHINGTON,
A. G. TRADEWELL,
GEO. L. LOHN,
A. MCKLER,
E. A. BOHNE,
RUFUS A. WATKINS,
W. A. SHARP,
S. B. STOREY,
JOHN WEEKES,

J. BLAKEY,
J. C. YARBRO,
THOS. WHITE,
J. F. LEWIS.

CAG. STON,
E. C. KINGH,
E. G. BENNETT,
J. J. LEWIS.

AFFIDAVIT OF J. D. PARISH.

THE STATE OF TEXAS, { Before the undersigned authority, this
County of Limestone. } day personally appeared J. D. Parish,
who being duly sworn, deposes and says:

My place of business is immediately opposite Clark's saloon, where the shooting of D. C. Applewhite, on the thirtieth of September, occurred. I saw Dan Gallagher and D. C. Applewhite enter Clark's saloon just before the shooting commenced. They were closely followed by three colored policemen, two of whom commenced drawing their six shooters before they got to the door, or in sight of where Applewhite was standing, with his back towards the door. As they entered the door, Gallagher and Applewhite turned with their faces towards the door. Immediately afterwards I heard some one say, "Don't shoot!" but the policemen almost instantly opened fire on Applewhite. Applewhite then ran out of the door and crossed Navasota street, followed by the policemen, who continued firing at him. I saw the policemen as they were retiring from the dead body and going in the direction of the mayor's office. One of them had a six-shooter, flourishing it over his head. *I heard him say, in a loud and excited tone of voice,—"There is another white-livered son-of-a-bitch that I want to kill. I will have this town flowing with white blood before morning."* On the following morning I heard A. Zadek, Jr., mayor of Groesbeck, say that he had ordered the citizens to arm themselves and arrest the murderers of Applewhite. On Sunday morning, October 1, the report was current that the colored people were rallying for the purpose of attacking the town. At about five o'clock Sunday evening, news reached Groesbeck that two of the murderers of Applewhite had been arrested and placed in jail. The citizens seemed to be at once satisfied, and *since that time the town has never been so quiet and orderly.*

J. D. PARISH.

Sworn to and subscribed before me, October 11, 1871.

J. H. LOFLAND,
J. P. P. No. 1., L. C.

AFFIDAVIT OF R. J. POPE, M.D.

THE STATE OF TEXAS, } Personally appeared before me Dr. R. J.
County of Limestone. } Pope, who being sworn, says:

That on the ninth day of October, 1871, he was summoned by J. H. Lofland, Esq., to accompany a jury of inquest to examine the body of Sam Cline, and went to the place where the body was found, on the Houston and Texas Central Railroad, about forty or fifty yards north of the crossing on the Navasota river; and at the request of J. H. Lofland, Esq., and the jury of inquest, he examined the body of Sam Cline minutely and closely; and he found, by an examination of the railroad track, that the body of said Cline had evidently been struck by the cars, on their passage south, on the evening of the eighth of October, about one hundred and fifty yards north of the point where he found his body on the morning of the ninth, and had been carried by the cars to a point near the tank on the north bank of the Navasota. At the place where his body was first struck by the cars, there was very little blood. Following the track southward, in the direction where his body was found, he found on the track more and more blood, until the place was reached where he first found his body, and at the very place where his body was discovered there was quite a quantity of blood. The clothes of Sam Cline had evidently become entangled in the brake of the cars when they first struck his body, and he had been carried by the cars a distance of about one hundred and fifty yards before his clothes became disentangled from the brake. His clothes were badly torn. The head was severed from the body, not by any sharp instrument, for the neck was crushed and torn, not cut. The left arm and hand were also torn and crushed. The sternum was broken, and the upper third of thigh was bruised and gashed, and other minor injuries were done the body. He also states, that between the place where blood was discovered on the track, about one hundred and fifty yards north of where Cline's body was found, and the point where the body was, he saw on the east rail of the car track patches or small quantities of hair.

From the foregoing facts he is led to the conclusion that Sam Cline came to his death by being run over by a train on the Houston and Texas Central Railroad,

R. J. POPE, M.D.

THE STATE OF TEXAS, } This day personally appeared before
County of Limestone. } me, the undersigned authority, Dr. R. J.

Pope, to me known, who on oath states that the foregoing statement is true and correct, to the best of his knowledge and belief.

Given under my hand this the ninth day of October, 1871.

J. H. LOFLAND,
J. P. P. No. 1, L. C., Texas.

Having examined the foregoing statement, I find that it is correct and true. I was one of the jury of inquest. October 11, 1871.

THOS. H. BROWN.

D. E. JOHNSON,

J. T. JONES,

R. A. SWAIN.

STATEMENT OF J. A. RANKIN.

SPRINGFIELD, October 11, 1871.

Hon. E. PETTIT:

MY DEAR FRIEND: I write you this to give you a true statement in reference to what is said to be the trouble in reference to the Springfield election.

Everything was as quiet as usual in this county until the *most outrageous* murder of Applewhite in Groesbeck on Saturday before election. His unprovoked murder threw a horror over the people, no man feeling safe in reference to his life, as men who professed to be peace officers were shooting down men without giving them a chance to say whether they would surrender or not. No one felt safe a moment.

Captain Richardson's company of militia met and offered their services to the captain of police for the purpose of assisting in the arresting of unlawful men, and to keep the peace and order at the election which was to come off on the following Tuesday. The captain of police accepted the services of the company, and they went on duty at once. Several other squads of men armed themselves and came to town, as they had learned that there was a riot on hand. As soon as those squads of men ascertained that Captain Richardson's company was called out, and that they were sufficient to control the whole thing, they returned home and remained there in quiet.

Captain Richardson's company continued on duty until the election was over, and then they were dismissed by the captain of police. The most perfect order was obtained by them. They carried out all the orders of the Governor, and saw that no one came into town with arms, or that any spirits were used, and kept down all and

Every sort of disorder, and the election went off as quiet as any I have ever seen in my life.

The colored men, as a rule, refused to vote, because, as they said, they were fearful that they might be hurt. Captain Richardson and his officers dispatched messages to them in different parts of the county, assuring them that they would not be interfered with, and telling them to come and vote.

I was riding in all directions from town on the day of election, and I made it a business to tell them to come and vote, and assured them that there was no danger, and in many instances I promised to become personally responsible for them if they would come. They all said that they had been told by their friends not to vote.

All the citizens, as far I am advised, used their influence to show the negro that he was in no danger. It might be proper for me to say that the negro Merrick was in Springfield on Sunday before the election with an armed force of men that were estimated at about two hundred. He drew off in the evening, after the prisoners, who killed Applewhite, were put in jail.

The people of this county are as a general rule willing to abide by and see that the laws of the country are executed, and in fact the complaint that is made by the people, is that the laws are not executed, and they want law and order. The people do not wish to have a lawless band of police and other officials to execute and to have the laws executed. There is no disposition to resist the law, but on the contrary, people want the law executed. They want officers to make arrests, and not shoot down men who they have warrants for without giving them time to say if they will surrender or not.

At this time there is perfect security to every one, and all and every one has the privilege to go and come at will, and during all the time that Capt. Richardson's company was on duty every one, white and black, could go and come at will, provided they complied with the Governor's order, in reference to carrying arms. There is no more cause at this time for martial law at this place than there was at any time before the late war.

Respectfully, your friend,

J. A. RANKIN.

AFFIDAVIT OF H. M. ROBERTS AND W. P. BROWN.

THE STATE OF TEXAS, } Before me, the undersigned authority,
County of Limestone. } personally appeared H. M. Roberts and
 W. P. Brown, to me well known, reliable citizens, who on oath say
 that the following statement is true and correct to their knowledge:

We were at the Huston Hotel in Springfield, on Sunday, October 1, 1871; heard Captain Bonner (who is registrar and chief of police for this county) order Captain Richardson, commanding a company of State guards at this place, to muster his men immediately and report to him for duty, which order was promptly obeyed. We saw the company on duty that day; they remained on duty by order of Captain Bonner until the close of the election, October 6, 1871, at which time they were quietly disbanded. During the time said company were in service here we heard no complaint from any source.

H. M. ROBERTS.

W. P. BROWN.

Sworn to and subscribed before me this the 11th day of October, 1871.

J. H. LOFLAND,
Justice of the Peace Precinct No. 1,
Limestone County, Texas.

AFFIDAVIT OF WILLIAM A. BROWN.

THE STATE OF TEXAS, } Personally appeared before me W. A.
County of Limestone. } Brown, who is well known to me, and
being sworn, says:

That during the days of election in the town of Springfield, Texas, he visited a large number of freedmen in the county, who are legal voters, and tendered his services to them to bring them in and see that no insult or violence was offered them, and they refused to come in. And he further says that he knows of no threats or intimidation offered by any one to prevent any person from voting; that he was in Springfield on two days of the election; that it went on quietly; that there was no disturbance or violence so far as he knew or heard. This October 11, 1871.

WM. A. BROWN,

Sworn to and subscribed before me this October 11, 1871.

J. H. LOFLAND,
J. P. P. No. 1, L. C., Texas.

AFFIDAVIT OF ARTHUR B. HOMER.

THE STATE OF TEXAS, { Before the undersigned authority per-
County of Limestone, { sonally appeared Arthur B. Homer, and
being duly sworn, says :

I was summoned as a special policeman by authority of Mayor Zadek on Saturday, the 30th of September about dark, to assist in preserving peace in the town of Groesbeck, and was on duty from that time until the following Tuesday in the afternoon, when I volunteered my services to Judge Oliver in the same capacity, and was sworn in by him and have served in that capacity to the present time. From the time I was first put on duty, Saturday, September 30, up to the time that the news of the arrest of the two policemen who shot Applewhite, which was Sunday afternoon, there was considerable excitement, but I did not see any lawlessness or overt act committed. On the contrary, the sentiment of the community was to restore order and protect their property, and have those policemen arrested. When this was accomplished, though they only arrested two out of the four implicated, the excitement abated, and since that time I have not seen the town so orderly since it was a town; in fact it has been more so, than when under the regular police force.

There can certainly be no necessity for martial law, inasmuch as every arrest has been made by the special force that they were called upon to make, and the only persons against whom warrants are issued that I know of, who are not arrested, are the other two policemen in the case of Applewhite, and we have not been called upon to arrest them, if we had, I believe we would have done so without the least trouble, had they been in the county.

Relating to the killing of the negro on the railroad near the Navasota bridge, I would state that I was on the train Monday morning and the body had not been removed or anything touched since the occurrence which took place Sunday night.

The train was backing down at the time of the accident, having the freight car ahead. I found the body lying on the trestle work between the rails and close to the east side of the track; the head was entirely cut off and nowhere to be found; there was blood on one of the wheels of the car and pieces of clothing on one of the bolts, where he had apparently caught his shoulder and arm, which were scraped and bruised as though he had been dragged some distance, and his clothes were all torn off save his shoes and a piece of his pants that were drawn over the former; there were pieces of clothing and blood all along the track to the place where his hat was found, a distance of about three hundred yards, where there

was a mark in the loose soil of the track apparently made by his shoulder when he was struck. In my opinion he was either lying on the track or attempted to get on the front car as it was backing down. The appearance of the neck would indicate that the head was torn from the trunk, and there was a piece of neck bone projecting out of the wound about four inches.

ARTHUR B. HOMER.

Sworn to and subscribed before me this 11th day of October, 1871.

J. H. LOFLAND,
Justice of the Peace Limestone County.

AFFIDAVITS OF J. BLAKEY.

THE STATE OF TEXAS, { Personally appeared before me J. Blakey, of the city of Groesbeck, and made oath that he was standing on the sidewalk in front of J. J. Lewis's, some weeks ago, and saw Merrick and another negro police arrest a Mr. Morris, of Ellis county. He walked up and asked him (Morris) the cause of his arrest. The police would not allow him to reply. Merrick turned round and said: "Who are you, God damn you? Are you any magistrate or mayor of this town?" I made no reply. Merrick said: "I will arrest you if you don't keep your mouth shut." I turned to walk off, and one of them said: "If you white people don't keep quiet we will make this town too damned hot for you to live in."

J. BLAKEY.

Sworn to and subscribed before me on this eleventh day of October, A. D. 1871.

J. H. LOFLAND,
J. P., P. No. 1, L. C., T.

THE STATE OF TEXAS, { This day personally appeared before me the undersigned authority, J. Blakey, who, being duly sworn, deposes and says: "On the thirtieth day of September, 1871, about 5 o'clock P. M., I was present when Mayor Zadek called upon the citizens to arm themselves and assist him in arresting the murderers of Applewhite. Up to this time none of the citizens were in arms."

J. BLAKEY.

Sworn to and subscribed before me October 11, 1871.

J. H. LOFLAND,
J. P., L. C.

AFFIDAVIT OF R. LONG.

THE STATE OF TEXAS, } Personally appeared before me R.
County of Limestone. } Long, who is to me well known as a citizen and minister of the gospel, who, by me being first duly sworn, says that he was in the town of Springfield on the 30th of September and the 1st of October, 1871, and that he witnessed a good deal that occurred in the town on said 1st of October and the five following days during the election, and he says that everything proceeded quietly during said days; that Captain Richardson's company of State guards was on duty during said days, at the request of the registrar, as he is informed and believes; and that no threats or intimidation were used so far as he is informed and believes; that all persons, irrespective of race or color, were invited to vote and had free access to the polls; that when the vote had been counted the registrar dismissed said company of State guards, who quietly returned to their respective homes. He states that he was in the town of Springfield the most of the above mentioned time, in his drug store and on the streets. This October 11, 1871.

R. LONG.

Sworn to and subscribed before me this the 11th day of October, 1871.

J. H. LOFLAND,
 Justice of the Peace Precinct No. 1,
 Limestone County, Texas.

AFFIDAVIT OF C. S. MITCHELL.

GROESBECK, TEXAS, October 11, 1871.

THE STATE OF TEXAS, } To all whom it may concern: At the
County of Limestone. } instance of Judge J. W. Oliver, a number of citizens of Limestone county were sworn as special constable force, and myself appointed in charge of it by said Oliver. This was done on the fourth day of October, 1871. Judge Oliver afterwards called on me for an official statement as to whether civil law could be enforced, and all writs issued by him, executed. I replied in substance, there was no obstacles in the way of the exercise of civil government in this county, and I herewith attach a copy of said statement as a part of this instrument. I also showed said letter to Sheriff Young, of Limestone county, who said my statement

was correct. This force has been on duty by order of Judge Oliver since its organization, and perfect order and due respect for the execution of law been regarded. In fact, there has been no disturbance growing out of the late troubles at this place since the organization of this force. I will also state that Judge Oliver said to me on the evening of the tenth of October, he was satisfied any writ issued by him, as Judge, could and would be executed by the present police force of this county. I do not hesitate to say there is good order in Limestone county to-day—and since Judge Oliver arrived here, October 4, 1871—as at any part of the State, and there is not the least necessity for martial law here, or any additional force beyond that at the command of the officers of the law in this county. I also attach a telegram as a part of this statement.

C. S. MITCHELL,
Commanding Constable Force.

GROESBECK, TEXAS, October 6, 1871.

Judge J. W. OLIVER:

DEAR SIR: In obedience to your request touching the issuing of writs for the arrest of citizens supposed to be directly or indirectly connected with the late disturbance in this city, I will state, any such arrests can be made without serious apprehensions of opposition, but I would suggest, as everything is adjusting itself to a proper order and respect for all lawful authority, and we are now engaged in a heated election whereby a large number of people are necessarily called together and from their usual business, that it might be best to postpone the execution of any such writs for a few days. In making this statement, I wish to be distinctly understood—your writs can, without opposition, be easily executed.

Respectfully yours,

C. S. MITCHELL,
Commanding Special Constable Force.

GROESBECK, October 11, 1871.

To His Excellency E. J. DAVIS,

Governor of the State of Texas:

A large number of citizens of this county was organized as special constable force by Judge Oliver, and myself placed in command under Captain Farrow, performing our duty to his entire satisfaction. There is no necessity for martial law. All writs, etc., can be executed without opposition. This dispatch has been read by Captain Farrow, who approves it.

C. S. MITCHELL,
Commanding Constable Force.

THE STATE OF TEXAS, } Before me the undersigned authority,
County of Limestone. } this day personally appeared C. S. Mitchell, to me known, who on oath says, that the attached copy of telegram, letter and statement are true and correct, to the best of his knowledge and belief.

Given under my hand this the eleventh day of October, 1871.

J. H. LOFLAND,

J. P. P. No. 1, L. C.

AFFIDAVIT OF R. W. SCOTT.

THE STATE OF TEXAS, } I, R. W. Scott, a citizen of Johnson
County of Limestone. } county, Texas, being duly sworn, do say:

That I was in the city of Groesbeck on Saturday, the 30th of September, 1871, and standing on the platform of the storehouse of Block Brothers, when I heard firing in the direction of the corner of the street where the bank of Leonard & Co. is situated; I heard several shots fired before I saw any one who appeared to be engaged in the affair. After several shots had been fired, I saw a man come upon the platform near said bank and before a barber shop, and appeared to clasp his right arm around one of the posts, when some one came up to him, and as near as I could see, pushed the man off the platform, who, when he fell, appeared to be nearly lifeless, and lay partly on his left side with his head toward me. The man who had pushed him off sprang down, and standing over his body, which seemed to be perfectly still, bent over and put a pistol apparently against him and fired some three or four times, each time raising partly erect while cocking his pistol, and each time when he fired he seemed to stoop and put the pistol against the breast of the prostrate man, who all the time seemed not to move, but to be perfectly lifeless. I was some seventy-five yards distant, but in open and perfect view. I soon heard that the murdered man was D. C. Applewhite, with whom I had been acquainted for some years, and who to all appearance was an unobtrusive and pleasant gentleman.

Previous to and at the time of the killing, perfect quiet prevailed in the town, and I had seen no one armed except some negroes, who were pointed out to me as police. Immediately after the murder, the citizens, fearing an uprising of the negroes to burn the town, provided themselves with arms, as they expressed it, for self-protection. The negroes who, I was informed, had killed Applewhite shut themselves in the mayor's office and remained about one and a half hours, when about thirty or thirty-five armed negroes came

in from the direction of Springfield and took the murderers of Applewhite away, and as they went out of Groesbeck they fired off many guns, and went out cheering at the top of their voices. The negroes who killed Applewhite, and those who went out of town with them, I was informed, were policemen. Great fears were entertained by the the citizens that night, that the negroes, who were reported to be some four hundred strong, and armed and stationed some three miles out of town, would attempt to burn the town, and to protect the town the citizens armed themselves and kept out a guard all night. On the morning following the mayor called a meeting to devise means for the protection of the town and stated that he wished a counsel of fifteen or twenty men to convene and devise means for the protection of the lives and property of the citizens, which was done, and their acts were approved by the mayor, and I understood the citizens to place themselves under the orders of the mayor to aid him, as the chief officer of the city, to keep the peace. I arrived in Groesbeck on the Thursday before the murder and remained until Monday after, and I saw no signs of riot on the part of the people of the county, but a desire to keep down further trouble and protect their lives and property from further injury. About three quarters of an hour after the killing, I saw the negroes who were pointed out to me as the murderers standing on the steps of the mayor's office and swinging their pistols as if in *defiance* of opposition. I would further state that Mr. Applewhite was not a resident, as I understand, but a citizen of Bremond. I am a citizen of Johnson county, about eighty miles from Groesbeck, and am in no way interested in this matter, only so far as humanity and advantages of peace are concerned; and from the standpoint of impartiality I consider the killing of D. C. Applewhite, by the negro police, Cotton and others, as a most shocking murder and an outrage on humanity, and from the time of the killing on Saturday, the 30th of September, to the time I left, on Monday morning, I considered the conduct of the citizens in their forbearing manner towards the murderers as worthy of all praise. On Sunday evening quiet was restored, and the great disquiet that had existed arose in consequence of the fear entertained of an attempt on the part of the negroes to burn and pillage the place.

R. W. SCOTT.

Sworn to and subscribed before me this eleventh day of October, 1871.

J. H. LOFLAND,
Justice of the Peace Precinct No. 1,
Limstone County, Texas.

AFFIDAVIT OF J. L. ROBERTSON.

THE STATE OF TEXAS, } Before the undersigned authority this
County of Limestone. } day personally appeared J. D. Robertson,
 who, being duly sworn, deposes and says: "On Saturday, the thirtieth of September, he was standing in Clark's saloon, within arms length of D. C. Applewhite; that while in this position Mitch. Cotton came into the saloon, in company with three other colored policemen. Mitch. Cotton walked up towards D. C. Applewhite. Applewhite turned and asked him what he wanted. Just at this instant one of the policemen came up to Applewhite, placed his pistol against his body and fired. Cotton fired immediately after. D. C. Applewhite, at the time, was making no resistance. He had drawn no weapon, nor was he attempting to draw any. Applewhite ran across Navasota street, through the auction house of French, and across Waco street, closely pursued and fired upon by the police. After he fell he was shot several times by the police. While retiring from the body, and going in the direction of the mayor's office, they continued to make violent threats against the white people generally. The uprising of the people was in pursuance of the mayor's order, and to protect the town against the threats of the police."

J. L. ROBERTSON.

Sworn to and subscribed before me October 11, 1871.

J. H. LOFLAND,
J. P., L. C.

AFFIDAVIT OF SETH B. ANGLIN.

THE STATE OF TEXAS, } This day personally appeared before me
County of Limestone. } the undersigned authority, Seth B. Anglin, who, being duly sworn, deposes and says, On the thirtieth day of September, 1871, I saw a number of colored policemen about an hour or two before the killing of Applewhite, and am satisfied that Mitch. Cotton, a policeman, and one of the principals in the shooting, was in a state of intoxication. I also saw him the night before in the same condition. He and two or three others created so much disturbance that they came near breaking up a circus.

S. B. ANGLIN.

Sworn to and subscribed before me October 11, 1871.

J. H. LOFLAND,
J. P., L. C., T.

AFFIDAVIT OF W. H. FROST.

THE STATE OF TEXAS, } I, W. H. Frost, Conductor Houston and
County of Limestone. } Texas Central Railroad, certify that the
 following is a true statement:

On my return to the end of the road on Monday last, October 9, I found the body of a colored man lying on the trestle bridge, some three miles from Groesbeck. I had the body taken off the track; his head was off and his arm mashed to pieces. I examined the track, and found that he had been dragged some hundred and fifty yards. There were some colored men present when I had the body taken off the track; I asked them if they knew who he was; they said his name was Sam. Cline; I asked them where he lived; they said up on the hill on the railroad. On my way up I stopped my train and went to the house and asked an old colored man if he knew a man by that name; he said he did; and I told him of the circumstances; and he said that this man Sam. Cline had went down the railroad the night before to be at the water tank when I got there to get a receipt for some wood that I had taken of his—and where he was when he was first struck was about one hundred yards from the tank. I asked some of the colored people in the settlement if this man had been drinking; they told me he had, and that he was in the habit of laying down and going to sleep when drinking.

I examined the cars and found blood and some flesh sticking under the cars—one wheel was very bloody, and looked as though the body had been dragged some distance by the side of it. I am satisfied from all appearance that he was killed by the cars while lying on the track, it being in the night.

W. H. FROST, Conductor.

I certify that there was a large portion of blood under the bridge where I found the said body, more than at any other point.

W. H. FROST.

Sworn to and subscribed before me this 11th of October, 1871.

J. H. LOFLAND,

J. P. P. No. 1, L. C., Texas.

AFFIDAVIT OF A. G. HALL.

THE STATE OF TEXAS, } This day, personally appeared before
County of Limestone. } me, the undersigned authority, A. G.
 Hall, who, being duly sworn, deposes and says:

That on the 30th day of September, 1871, I was standing in front of "Clark's Saloon," in the city of Groesbeck, Mr. D. C. Applewhite, in company with several other gentlemen, invited me into Clark's Saloon to take a drink; the drinks were being served up. At that time I turned my face toward the door. I saw four policemen standing there, viz: Mitchell Cotton, Johnson (a yellow man), Clem Jones, and the other, name unknown. Cotton walked up to Applewhite, and looked him in the eye. Applewhite asked Cotton if he had any business with him. Cotton asked Applewhite if he had arms, at the same time drew his pistol and fired—Johnson first, or at least about the same time that Cotton fired. I did not see Mr. Applewhite have a pistol, nor did I see him make any attempt to get one. He (Applewhite) was acting in a peaceable manner at the time he was accosted by the policeman. I ran out of the front door and stopped on the side-walk; I saw Applewhite come running out of the house, pursued by the police. He ran across Navasota street into French's auction house; I heard firing in that house. The next I saw of him, he was running across Waco street, in the direction of Blum's corner, still being pursued by the police. Cotton caught him at Blum's corner; he (Applewhite) fell off of the side-walk at Blum's corner on to the street, apparently a dead man. Cotton then got at his feet, and then shot him once or twice. He was fired at by the other police at, or about, the same time. I told the police not to shoot when they drew their pistols, and some one else told them the same thing. I think he was shot eight or nine times. After that the mayor, A. Zadek, Jr., called upon the citizens to guard the town, as he had failed to arrest the murderers of D. C. Applewhite. When Merrick, the commander of the police, came in, myself and Mr. Abe Anglen went to him, and I took Merrick by the arm, and went to talk with him; he was very angry, and said he could whip twenty-five of the best white men there was in the town of Groesbeck. I left him, and walked back down the street; by this time there was twenty or more colored men there; some one hollered to get their arms. The people then ran in all directions and got their arms; the colored men were armed at the time, and all rode out of town. What the citizens done afterwards was done under the orders and instructions, and directions of A. Zadek, Jr., mayor of the city of Groesbeck. Peace was established and has prevailed since Monday morning. A colored man was killed on Saturday night, 30th September, by one Simons; he was arrested, and is now in jail at Springfield. There were several citizens, together with Chas. Eika (then acting as mayor of the city of Groesbeck), went to see the colored man after he was shot, and they asked him if he knew who shot him; he said he did not.

Medical attendance was called, but the case was a hopeless one, and he died in about one hour from the time he was shot. Mr. D. W. Lewis, J. D. Robertson and Charles Eika went in company to see him before he died. The name of the colored man is understood to be Robert Lee.

A. G. HALL.

Sworn to and subscribed before me, this the 11th day of October, 1871.

J. H. LOFLAND,
Justice of the Peace, Limestone County.

AFFIDAVIT OF JOHN STRASBURGER.

THE STATE OF TEXAS, { John Strasburger, being duly sworn,
County of Limestone. } deposes and says that he was present at the time D. C. Applewhite was shot, and that he corroborates the statement made within by Mr. A. G. Hall.

JOHN STRASBURGER.

Sworn to and subscribed before me, this 11th day of October, 1871.

J. H. LOFLAND,
J. P., P. No. 1, L. Co., Texas.

AFFIDAVIT OF DR. R. A. WATKINS.

THE STATE OF TEXAS, { Before the undersigned authority this
County of Limestone. } day personally appeared R. A. Watkins, who being duly sworn deposes and says, that he is a physician in the county and State aforesaid; that he made a *post mortem* examination of the body of D. C. Applewhite, and found that two balls had taken effect in the back of the deceased, either of which would have been sufficient to produce death, and that four other balls had taken effect in different parts of his body, either four out of the six wounds would have proven fatal. D. C. Applewhite died in about five minutes after he was shot. While he was dying, I saw the colored men who had assembled at the mayor's office flourishing their weapons in a threatening manner, and seemed to be bidding defiance to the officers of the town and the citizens generally.

RUFUS A. WATKINS, M. D.

Sworn to and subscribed before me, this the eleventh day of October, 1871.

J. H. LOFLAND,
J. P. P. No. 1, L. C.

AFFIDAVIT OF W. A. PATTERSON.

THE STATE OF TEXAS, } This day personally appeared before
County of Limestone. } me, the undersigned authority, W. A. Patterson, who being duly sworn deposes and says, that on the thirtieth day of September, A. D. 1871, I was standing at Hill's ware-room; heard firing with pistols in the direction of Navasota street; I ran up there and found D. C. Applewhite in a dying condition, who expired in a few minutes; at that, Zadek, the mayor, ordered the citizens to arm themselves and help him (Zadek) to arrest those men and keep the peace. I then passed down Waco street and met Merrick and another colored policeman, and Merrick said that he would arrest the prisoners. I then passed out Trinity street and met ten or fifteen colored policemen and told them not to go down in that direction, that there would be a difficulty. They then said that they came there for a difficulty, and that was what they wanted. I then returned to Navasota street, and by that time the police had made a rush out of the courthouse, got on their horses, ran about two hundred yards out of town, firing back as they ran, and then rallied. During all this time the citizens were acting under orders of the mayor, and continued to do so until a regular police force was organized by him. The excitement abated Sunday evening as soon as the murderers were placed in jail, and perfect order has existed ever since.

W. A. PATTERSON.

Sworn to and subscribed before me, October 11, 1871.

J. H. LOFLAND,
J. P. P. No. 1, L. C.

AFFIDAVIT OF J. B. SIMONS.

THE STATE OF TEXAS. } Before me, the undersigned authority,
County of Limestone, } personally appeared J. B. Simons, who by me being first duly sworn deposes and says, that he is a brother of A. M. Simons, who is charged with committing murder on the night of September 30, A. D. 1871.

I, the said J. B. Simons, further state that the said A. M. Simons was taken sick on or about the fifteenth July or August, A. D. 1856, with violent spasms, and continued so until on or about the summer of 1867. He then took the rheumatism from exposure, and from the effects of the rheumatism his mind seemed to get worse. The District Court of Anderson county, State of Texas, condemned him as a lunatic, and was going to send him to Austin, and Dr. J. D. Rankin, at present living in the town of Springfield, Limestone county, took him from the District Court and treated him, and as such he will certify to. And now, at the present time, he is so deranged in mind that he is under the influence of morphine continually, and without it he don't seem to know what he is doing.

J. B. SIMONS.

Sworn to and subscribed before me, October 11, 1871.

J. H. LOFLAND,

J. P. P. No. 1, L. C.

AFFIDAVIT OF A. ANGLIN.

THE STATE OF TEXAS, } This day personally appeared before me
County of Limestone. } the undersigned authority, Abram Anglin,
who, being duly sworn, deposes and says: "On the thirtieth day of
September, 1871, I was in the city of Groesbeck, immediately after
the murder of D. C. Applewhite by the police. I was standing
near Iglehart & Leonard's bank, corner of Navasota and Waco
streets. Some person called to me that Merrick Trammell, a
colored policeman, wanted to see me. I went up to him, he at that
time having retired a little beyond the mayor's office, out Navasota
street, with a company of armed colored men. I walked up to him
and asked what this meant. He said he wanted nothing but what
was right, and that he was not afraid of these Groesbeck men. I
told him I did not dispute that. But they are not afraid of you,
but that does not settle the matter. At that time the white people
that had collected around Zadek hotel commenced calling to each
other to fall into line. Merrick called to his men to mount their
horses and get out on the prairie; that he had three hundred men
that he could command in a few hours; that if they (the Groesbeck
people) wanted to fight he would fight them. They started off, and

fired several shots as they rode off. I was in Groesbeck during the entire excitement.

A. ANGLIN.

Sworn to and subscribed before me October 11, 1871.

J. H. LOFLAND,
Justice of the Peace Precinct No. 1,
Limestone County, Texas.

Mr. Slaughter moved to dispense with the reading of the affidavits accompanying the memorial.

Mr. Evans moved to amend the motion by adding "and that the memorial and accompanying papers be printed," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Dorris, Ellis, Evans, Franks, Gardiner, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Williams of Walker, York, Young, Zoeller—49.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Dupree, Hamilton, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Youngkin—27.

So the amendment was adopted.

The question recurring on the motion of Mr. Slaughter as amended, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Dorris, Ellis, Evans, Franks, Gardiner, Gaston, Harn, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Simmons, Smyth, Spencer, Stirman, Van Noy, Weaver, Young—42.

Nays—Messrs. Abbott of Hill, Richard Allen, Burley, Cotton, Cox, Dupree, George, Grothaus, Hamilton, Haswell, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schutze,

Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—35.

So the motion was lost, two-thirds of the members present not voting in the affirmative.

Mr. Schutze made the point of order that the regular order of business was the unfinished business of yesterday, and that the business now under consideration of the House was out of order.

The Chair ruled that the point of order was well taken.

UNFINISHED BUSINESS.

Viz: The motion of Mr. Johnson, to suspend the rules to allow him, as Chairman of the Committee on Finance, to submit a report.

The rules were suspended, and Mr. Johnson submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 486, have duly considered the same and recommend its passage without amendment.

J. W. JOHNSON, Chairman,
AD. ZOELLER,
JO. ABBOTT, dissenting,
J. D. GEORGE,
H. W. YOUNG,
C. L. ABBOTT,
R. ALLEN.

Senate bill No. 486, to be entitled "An act making an appropriation to pay the printing and contingent expenses of the Twelfth Legislature," was then read.

On motion of Mr. Morrison the rule requiring all bills making an appropriation to be referred to a committee of the whole House was suspended in this case.

On motion of Mr. Morris the enacting clause was amended by inserting after the word "State" the words "of Texas."

Mr. Zapp moved to amend by adding after the words "use of the House" the words "to pay for postage stamps due S. Palm." Lost.

Senate bill No. 486 was then ordered to its third reading.

Senate bill No. 486 was then read the third time.

11 o'CLOCK A. M.

SPECIAL ORDER,

House bill No. 810, to be entitled. "An act concerning private corporations."

On motion of Mr. Johnson the consideration of House bill No. 810 was postponed until the business under consideration be disposed of.

Senate bill No. 486 then passed by the following vote :

Yeas—Messrs. Abbott of Austin, Richard Allen, Booty, Burley, Camp, Chambers, Cotton, Cox, Dorris, Dupree, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Lacy, Leonard, Locke, Lorange, Manning, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robertson, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Simmons, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—56.

Nays—Messrs. Abbott of Hill, Austin, Ellis, Hawkins, Jenkins, Kyle Lane, McKee of Fannin, Robb, Ross, Self, Smyth, Zapp—13.

The title of the bill was agreed to, and the Chief Clerk dispatched to the Senate to inform that body of the action of the House.

Special order resumed.

Viz: House bill No. 810. Mr. Morris moved to indefinitely postpone its consideration, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Cotton, Harn, Johnson, Kendall, Morris, Morrison, Williams of Colorado—9.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Camp, Chambers, Cole, Cox, Dorris, Ellis, Evans, Gardiner, George, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Kyle, Lane, Leonard, Locke, Lorange, Lyons, Manning, McKee of Gudalupe, McKee of Fannin, McLean, Medlock, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schlotman, Shutze, Self, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—58.

So the House refused to indefinitely postpone the consideration of House bill No. 810.

[Mr. Schutze in the chair.]

A message was received from the Senate transmitting for the sig-

nature of the Speaker the following enrolled Senate bills and joint resolution: Senate bills Nos. 437 and 105, and Senate joint resolution No. 43, which were signed by the Speaker and returned. Also, enrolled House bills Nos. 778, 777, 164, 733, 763, 762, 282, 427, 751 and 710, which had been signed by the President of that body.

Mr. McLean moved to amend section one, line three, of House bill No. 810 by striking out the word "five" and inserting in lieu thereof the word "three."

Mr. Slaughter moved to amend the amendment by striking out the word "three" and inserting in lieu thereof the word "twelve." Lost.

The question recurring upon the adoption of the amendment offered by Mr. McLean, it was adopted.

On motion of Mr. McLean section five, paragraph eight, was stricken out.

On motion of Mr. McLean paragraph nine of section five was stricken out.

On motion of Mr. Slaughter section ten was stricken out.

On motion of Mr. Slaughter paragraph eleven of section five was stricken out.

On motion of Mr. Slaughter paragraph twelve of section five was stricken out.

[Speaker Sinclair in the chair.]

A message was received from the Senate announcing that that body had passed, without amendments, House bills Nos. 521 and 638. Also, with amendment, House bill No. 728. Also, for the concurrence of the House, Senate bills Nos. 492, 473, 460 and 446. And also announcing that the Senate had concurred in the House amendments to Senate bills Nos. 437 and 486.

The Chief Clerk was dispatched to the Senate with the following Senate bills which had been passed by the House: Nos. 369, 458 and 467. Also to inform that body that the House had agreed to the Senate amendments to House bill No. 537.

On motion of Mr. Schutze the House resolved itself into a committee of the whole for the consideration of House bill No. 810.

[Mr. Schutze in the chair.]

House resumed.

[Speaker Sinclair in the chair.]

The chairman of the committee of the whole House reported progress, and asked that the committee be permitted to sit again at some future day for the consideration of House bill No. 810.

On motion of Mr. Evans the report was received and the commit-

mittee of the whole House was granted leave to sit again on Monday next at 11 o'clock A. M.

On motion of Mr. Evans the further consideration of the special order, viz, House bill No. 810 was postponed until 11 o'clock A. M. Monday next.

Mr. Evans moved that the memorial and accompanying documents from the citizens of Limestone county be printed.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Cox, Dorris, Ellis, Evans, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shoemaker, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Young, Zoeller—57.

Nays—Messrs. Richard Allen, Burley, Cotton, Davis, Dupree, Franks, Gardiner, Kendall, Morris, Morrison, Moore of Harrison, Patton, Robinson, Slaughter, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—19.

So the main question was ordered.

The main question being on the adoption of the motion of Mr. Evans to have the memorial and accompanying documents printed, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Dorris, Ellis, Evans, Franks, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shoemaker, Simmons, Smyth, Spencer, Stirman, Tegener, Tinsley, Van Noy, Weaver, Young, Zoeller—55.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dupree, Gardiner, Kendall, Manning, Morris, Moore of Harrison, Patton, Robinson, Sheriff, Slaughter, Stockbridge, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—22.

So the memorial and accompanying papers were ordered to be printed.

12 o'CLOCK M.

SPECIAL ORDER.

Viz: The message of the Governor and accompany documents in relation to the declaration of martial law in Limestone and Freestone counties.

The message of the Governor and copy of his proclamation of martial law was then read.

Mr. Slaughter offered the following concurrent resolution, viz:

Resolved, By the House of Representatives, the Senate concurring, that the action of Governor Davis in declaring martial law in Limestone and Freestone counties, be and is hereby approved; *and further*, that the Governor is fully authorized to take such action with regard to said counties as he may deem necessary.

Concurrent resolution read the first and second times.

Mr. Burley moved the adoption of the resolution.

Mr. Jo. Abbott moved to postpone the further consideration of the special order until to-morrow morning at 10:30 o'clock

Mr. Lane moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Ellis, Evans, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young—38.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—39.

So the House refused to adjourn.

Pending debate Mr. Robertson moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nay were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Ellis, Evans, Gaston, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey,

Robb, Robertson, Ross, Sohlickum, Schutze, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young---38.

Nays—Mr. Speaker, Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller---39.

So the House refused to adjourn.

Mr. Lane moved a call of the House. Call sustained.

Absent, not excused—Messrs. Bonner, Haswell and Prissick.

Mr. R. L. Moore moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Ellis, Evans, Gaston, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young---40.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller---37.

So the House at 1:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 14, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Mr. J. F. McKee moved that the reading of yesterday's journal be dispensed with, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, George, Grothaus, Haswell, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlotman, Sheriff, Shoemaker, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Evans, Gaston, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Moore of Red River, Pierson, Plumley, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver—31.

So the House refused to dispense with the reading of the journal.

The journal of yesterday was then read.

On motion of Mr. Robertson the papers accompanying the communication of the Comptroller were ordered to be inserted in yesterday's journal.

On motion of Mr. Robertson the memorial of the citizens of Limestone county and accompanying documents were ordered to be inserted in yesterday's journal.

The journal of yesterday was then adopted.

By unanimous consent, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, Oct. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 812, entitled "An act to incorporate the Colorado Fire Company No. 2, of the city of Austin," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. MCKEE,
W. G. ROBINSON.

COMMITTEE ROOM,
Austin, Oct. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 819, entitled "An act to amend an act prescribing the times of holding the courts in the several judicial districts in the State, approved August 18, 1870," and find the same to be correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Reports accepted, and Chief Clerk dispatched to the Senate with House bills Nos. 812 and 819, passed by the House, asking the concurrence of the Senate therein.

The Chair laid before the House the following communication:

HEADQUARTERS STATE OF TEXAS,
OFFICE OF ADJT. GEN. AND CHIEF OF POLICE, }
AUSTIN, TEXAS, Oct. 12, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I would most respectfully call your attention and that of the House of Representatives to a clerical error which occurs on the credit side of "Statement of receipts (fine and taxes) and expenditures, collected and disbursed by James Davidson, Adjutant General, in Walker county, Texas," exhibit marked C, transmitted to you on the 3d inst. The amount of fine collected from C. Hess, \$100, should be \$250 00.

I have the honor to be, very respectfully,

HENRY ORSAY, Chief Clerk.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have this day sent to the Governor for his approval House bills, to-wit: No. 777, "An act to amend an act entitled an act to provide for districting the State of Texas into judicial districts, approved July 2, 1870;" No. 778, "An act prescribing the times of holding the districts courts in the Twenty-sixth Judicial District;" No. 763, "An act to prohibit the sale of intoxicating liquors to

persons within the scholastic age in the State of Texas;" No. 723, "An act to amend an act entitled an act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of the public square in the town of Alvarado, Johnson county, Texas, approved November 10, 1866;" No. 762, "An act to provide for the payment of sheriffs in conveying prisoners to State penitentiary;" No. 282, "An act to authorize Robert Holmes and others to construct a boom across the Brazos river;" No. 751, "An act to amend an act approved May 2, 1871, entitled an act to amend an act entitled an act to incorporate the Galveston City Railroad Company, approved October 8, 1866;" No. 733, "An act to incorporate Edom Academy, in Cooke county, Texas;" No. 427, "An act to authorize C. Duncan and G. W. Patten to erect a toll bridge over Aquilla creek, in the county of McLennan, Texas;" No. 164, "An act to incorporate the town of Pittsburg, in Upshur county," and No. 710, "An act to incorporate the Corpus Christi and Rio Grande Railroad Company.

GEORGE T. HASWELL, Chairman.

Report accepted.

UNFINISHED BUSINESS,

Viz: The motion of Mr. Jo. Abbott, to postpone the consideration of the message of the Governor and his proclamation, declaring martial law in Limestone and Freestone counties, until 10:30 o'clock A. M. to-day.

Mr. McLean moved a call of the House. Call sustained.

Absent, not excused—Messrs. Ellis and Prissick.

On motion of Mr. Lane the Sergeant-at-Arms was dispatched for the absentees.

Mr. R. Allen moved that the call of the House be suspended, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Burley, Cotton, Cox, Dorris, Dupree, George, Grothaus, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Morris, Moore of Harrison, Patton, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—24.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Evans, Franks, Gardiner, Gaston, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Manning, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlick-

um, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young, Youngkin—53.

So the House refused to suspend the call.

Mr. Slaughter moved to adjourn until to-morrow at 10 o'clock A. M.

Mr. Jo. Abbott moved that the House adjourn until 10 o'clock A. M. Monday, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Evans, Gaston, Hamilton, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Manning, McKee of Fannin, McLean, Miller, Morris, Morrison, Moore of Harrison, Moore of Red River, Pierson, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Self, Shoemaker, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young—48.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Harn, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Patton, Plumley, Schlotman, Sheriff, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—30.

So the House at 11 o'clock adjourned until 10 o'clock A. M. Monday.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 16, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Burley the reading of the journal of Saturday was dispensed with.

UNFINISHED BUSINESS.

Viz: The motion of Mr. Jo. Abbott to postpone the consideration of the Governor's message and accompanying copy of his proclamation, declaring martial law in Limestone and Freestone counties.

Mr. Evans moved to lay the Governor's message, the concurrent resolution offered by Mr Slaughter, and all the documents accompanying the Governor's message upon the table.

Mr. R. Allen moved a call of the House. Call sustained.

Absent, not excused—Messrs. Austin, Hamilton, Morris, Morrison, Robinson, Prissick, Schutze and Slaughter.

Mr. Evans moved a suspension of the call, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Booty, Bonner, Camp, Chambers, Cole, Ellis, Evans, Gaston, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Robb, Robertson, Ross, Self, Simmons, Smith, Spencer, Stirman, Tegener, Van Noy, Weaver, Young—37.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Harn, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Moore of Harrison, Patton, Posey, Schlickum, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—35.

So the call of the House was suspended.

Mr. C. L. Abbott moved that the House adjourn until 10 o'clock, A. M., to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Dupree, George, Grothaus, Kendall, Mitchell, Moore of Harrison, Patton, Schlotman, Stockbridge, Zoeller—15.

Nays—Messrs. Abbott of Hill, H. R. Allen, Booty, Bonner,

Camp, Chambers, Cole, Davis, Dorris, Ellis, Evans, Franks, Gardiner, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorance, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stirman, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—58.

So the House refused to adjourn.

Mr. C. L. Abbott moved a call of the House. Call sustained.

Absent, not excused—Messrs. Austin, Morrison, Prissick, Robinson, Schutze and Slaughter.

On motion of Mr. R. Allen the Sergeant-at-Arms was dispatched for the absentees.

Mr. Burley moved to adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—None.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Booty, Bonner, Burley, Camp, Chambers, Cole, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorance, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller.—Nays 74.

So the House refused to adjourn.

Mr. Booty moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Bonner, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Locke, Lyons, Manning, McKee of Guadalupe, Morris, Morrison, Moore of Harrison, Robinson, Schlickum, Schlotman, Spencer, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—32.

Nays—Messrs. H. R. Allen, Booty, Camp, Chambers, Cole, Ellis, Evans, Franks, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorance, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Moore of Red River, Patton, Pierson, Plum-

ley, Posey, Robb, Robertson, Ross, Self, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Young,—43.

So the House refused to suspend the call.

Mr. Pierson moved that the House stand adjourned until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Booty, Bonner, Cole, Ellis, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Robb, Robertson, Ross, Self, Smyth, Spencer, Stirman, Weaver—19.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Burley, Camp, Chambers, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Simmons, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp Zoeller—58.

So the House refused to adjourn.

Mr. Locke moved that the call of the House be suspended, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—37.

Nays—Messrs. Abbott of Hill, H. R. Allen, Booty, Bonner, Camp, Chambers, Cole, Davis, Ellis, Evans, Gaston, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young—40.

So the House refused to suspend the call.

Mr. Slaughter moved that the House adjourn until Wednesday, 12 o'clock, M., upon which motion the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Booty, Bonner, Burley, Chambers, Cole, Cox, Gaston, Haswell, Hawkins, Kyle, Lacy, Lane, McLean, Miller, Moore of Red River,

Posey, Robb, Robertson, Ross, Simmons, Smyth, Spencer, Stirman, Weaver, Young---28.

Nays---Messrs. H. R. Allen, Camp, Cotton, Davis, Dorris, Dupree, Ellis, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Jenkins, Johnson, Kendall, Leonard, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller---49.

So the House refused to adjourn.

Mr. Slaughter moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows :

Yeas---Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller---37.

Nays---Messrs. Abbott of Hill, H. R. Allen, Booty, Bonner, Camp, Chambers, Cole, Ellis, Evans, Franks, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young---40.

So the House refused to suspend the call.

Mr. R. Allen moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas---Messrs. Abbott of Austin, Booty, Bonner, Franks, Haswell, McLean, Moore of Red River, Posey, Robb, Robertson, Simmons, Slaughter, Stockbridge---13.

Nays---Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Burley, Camp, Chambers, Cole, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Evans, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, Manning, McKee of Guadalupe, McKee of Fannin, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Smyth, Spencer, Stirman, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller---65.

So the House refused to adjourn.

Mr. Locke moved a suspension of the call of the House, upon which the yeas and nays were called and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—37.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Ellis, Evans, Gaston, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young—41.

So the call of the House was not suspended.

Mr. Slaughter moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which motion the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Cotton, Cox, Davis, Grothaus, Haswell, Kendall, Medlock, Mitchell, Robertson, Schlickum, Schlotman, Slaughter, Spencer, Stockbridge, Williams of Colorado, Williams of Walker—17.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cole, Dorris, Dupree, Ellis, Evans, Franks, Gardiner, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, Manning, McKee of Fannin, McKee of Guadalupe, McLean, Miller, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robb, Robinson, Ross, Self, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young, Youngkin, Zapp, Zoeller—60.

So the House refused to adjourn.

Mr. Evans moved a suspension of the call. Call suspended.

The question recurring on the adoption of the motion of Mr. Evans to lay on the table the Governor's message, the concurrent resolution offered by Mr. Slaughter and the documents accompanying the message of the Governor relative to martial law in Limestone and Freestone counties, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Ellis, Evans, Gaston, Haswell,

Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young—39.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—40.

So the motion was lost.

Mr. Slaughter moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Ellis, Evans, Franks, Gaston, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young—43.

So the House refused to order the main question.

Mr. Franks moved that the resolution and Governor's message be referred to a select committee of five, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, R. Allen, Austin, Booty, Bonner, Burley, Chambers, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Hamilton, Haswell, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Leonard, Locke, Lyons, Manning, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Plumley, Posey, Robb, Robertson, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, York, Young, Zoeller—59.

Nays—Messrs. Abbott of Austin, Camp, Cole, Ellis, Gaston, Grothaus, Harn, Lane, Lorange, McKee of Fannin, Miller, Pierson, Ross, Self, Slaughter, Stirman, Weaver, Williams of Colorado, Youngkin, Zapp—20.

So the motion prevailed.

Mr. R. L. Moore moved a suspension of the rules to allow Mr. Camp to introduce a resolution, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Ellis, Evans, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schutze, Self, Simmons, Smyth, Spencer, Stirman, Tegener, Weaver, York, Young, Youngkin—41.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Zapp, Zoeller—37.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

Mr. Slaughter moved that the House stand adjourned until 10 o'clock, A. M., to-morrow. Lost.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Oct. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following bills, to-wit : House bill No. 393, entitled "An act to amend section two of an act entitled 'An act defining lawful enclosures, and for other purposes,' approved March 16, 1840 ;" House bill No. 196, "An act to incorporate the officers and members of the Fort Worth Masonic Institute No. 148, A. F. and A. Masons, at Fort Worth, Tarrant county, Texas ;" House bill No. 173, "An act to incorporate the Indianola Colored Benevolent Society ;" House bill No. 638, "An act to in-

corporate the Texas Stockraising Company;" House bill No. 531, "An act for the relief of George Cox," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman.
F. E. GROTHAUS,
J. W. POSEY.

Report accepted and Chief Clerk dispatched to the Senate with said enrolled House bills for the signature of the President of that body, which were signed and returned.

Mr. McLean moved a reconsideration of the vote by which the House ordered the vouchers accompanying the Comptroller's communication to be printed.

The House agreed to reconsider the vote.

On reconsideration the House refused to order the papers to be printed.

11 o'clock A. M.

SPECIAL ORDER,

Viz: House bill No. 810, to be entitled "An act concerning private corporations."

Mr. Morrison moved to refer House bill No. 810 to a select committee of five. Lost.

On motion of Mr. Morrison the House resolved itself into a committee of the whole House for the consideration of House bill No. 810.

[Mr. Morrison in the chair.]

House resumed.

[Speaker Sinclair in the chair.]

A message was received from the Senate returning the following named House bills, which had been passed by that body without amendment: Nos. 731, 29, 132 and 133. Also, House bill No. 28, which that body had passed with amendment. Also, transmitting for the concurrence of the House Senate bills Nos. 487, 496, 203 and 498. Also, transmitting for the signature of the Speaker enrolled Senate bill No. 486, which was signed and returned.

Committee of the whole House resumed.

[Mr. Morrison in the chair.]

12 o'clock M.

House resumed.

[Speaker Sinclair in the chair.]

The chairman of the committee of the whole House reported progress and asked leave to sit again to-morrow at 11 o'clock A. M.

On motion of Mr. Evans the report of the committee was accepted and the committee granted leave to sit again to-morrow.

On motion of Mr. Evans House bill No. 810 was made the special order for to-morrow at 11 o'clock A. M. and for each day thereafter at the same hour until it be disposed of.

The chair announced the committee appointed under the motion of Mr. Franks to be Messrs. Franks, Slaughter, Zoeller, Medlock and Booty.

Mr. Jo. Abbott moved that Messrs. Schutze and Robertson be added to the committee, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Ellis, Evans, Haswell, Hawkins, Jenkins, Lacy, Lane, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Robertson, Schutze, Self, Simmons, Smyth, Tegener, Van Noy, Weaver—29.

Nays—Messrs. Richard Allen, Bonner, Burley, Cotton, Cox, Davis, Dorris, Franks, Gardiner, George, Hamilton, Kendall Locke, Manning, McKee of Guadalupe, Medlock, Morris, Morrison, Moore of Harrison, Patton, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—33.

So the motion was lost.

Mr. Plumley moved a suspension of the rules, to take up out of its regular order Senate bill No. 498, to be entitled "An act amending 'an act prescribing the times of holding the District Courts in the several Judicial Districts in the State,' approved August 10, 1870," upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Cox, Dupree, Ellis, Evans, Franks, George, Gaston, Grothaus, Hamilton, Haswell, Hawkins, Jenkins, Kendall, Lacy, Lane, Locke, Lorange, Manning, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Pierson, Plumley, Robertson, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, Young, Zapp, Zoeller—51.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Gardiner, Harn, Johnson, Medlock, Mitchell, Morris, Patton, Robinson, Ross, Williams of Colorado, Youngkin—17.

So the rules were suspended and Senate bill No. 498 was read the first time.

On motion of Mr. Plumley, the rules were suspended and Senate bill No. 498 read the second time.

On motion of Mr. Plumley, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 498 was ordered to its third reading.

On motion of Mr. Plumley, the rules were further suspended. Senate bill No. 498 was read the third time, passed and its title was agreed to.

On motion of Mr. Evans, Mr. Richard Allen was granted leave of absence for ten days from to-morrow.

Mr. Johnson moved a suspension of the rules to take up out of its regular order Senate bill No. 460, pending which,

The House, on motion of Mr. Dupree, at 1 o'clock P.M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 17, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Ellis and Prissick.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

The Chair laid before the House the following communication :

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS, }
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: In response to a resolution by the House of Representatives, State of Texas, requiring the Comptroller to furnish said body with a statement of the vouchers filed in his office by James Davidson as his report of expenditures of moneys collected by way of fines and penalties in the counties of Hill and Walker, while said counties were under martial law, I have the honor to transmit herewith copies of said papers and vouchers as filed in this office, as follows, viz :

Account current of Alfred D. Evans, Paymaster, State of Texas: On account of fines collected during existence of martial law in Hill county, Texas, and expenditures on account of same—marked "A."

Copy of abstract of disbursements on account of martial law in

Hill county, Texas, by Alfred D. Evans, paymaster State of Texas, marked "B," with accompanying vouchers numbered one to fifteen.

Account current of moneys collected and disbursed on account of martial law in Walker county, Texas, by James Davidson, Adjutant General, State of Texas, marked "C," with copies of forty-one accompanying vouchers, one to forty-one.

I am, sir, very respectfully, your obedient servant,

A. BLEDSOE, Comptroller.

Communication laid over under the rules.

UNFINISHED BUSINESS,

Viz: The motion of Mr. Johnson to suspend the rules to take up out of its regular order Senate bill No. 460, to be entitled "An act to provide for and regulate mechanics, contractors, builders and others liens in the State of Texas."

Rules suspended and Senate bill No. 460 was read the first time.

On motion of Mr. Johnson the rules were further suspended and Senate bill No. 460 was read the second time.

Mr. Johnson moved a suspension of the rule requiring all bills on their second reading to be referred to committees, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Harn, Haswell, Johnson, Locke, Lyons, Manning, Morris, Morrison, Patton, Posey, Robertson, Robinson, Schutze, Simmons, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Young, Zapp, Zoeller—30.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Davis, Dorris, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Medlock, Mitchell, Moore of Red River, Pierson, Robb, Ross, Schlotman, Self, Sheriff, Shoemaker, Smyth, Stirman, Tegener, Van Noy, Weaver, Youngkin—40.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

Senate bill No. 460 was referred to the Committee on Judiciary.

The following message was received from the Governor by the hands of his Private Secretary:

AUSTIN, TEXAS, Oct. 14, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The Board of Education of the State of Texas in obedience to the duty imposed on them by section four of the school law

of April 24, 1871, of reporting "for the action of the Legislature from time to time such amendments of the school laws of this State, as may be found necessary, stating in their report the facts and reasons which in their opinion render necessary such proposed amendments," respectfully report as follows:

The total amount appropriated by the Legislature for salaries of teachers and employes for the current scholastic year is \$450,000, out of which must be deducted the sum of \$42,000 for salaries of thirty-five supervisors, under section two, which together with say \$20,000 for payment of examiners and other employes, will reduce the amount at the disposal of the superintendent for payment of teachers during the current year to \$388,000.

This sum is equal to an appropriation *per capita* on the scholastic population of \$1 70.

The experience of the present year has shown that the scholastic population of the State has been very greatly underated. It is difficult to believe that that population has more than doubled since 1861, when it was reported at 105,200, whereas the census for the scholastic year ending August 31, 1871, presents a total of 227,616 children, and the Board believe that this is considerably less than the actual number, as in almost every instance where a comparison has been instituted between the United States census of 1870, and that taken by the tax assessors for the year 1870 to 1871, the former gives a greater number of children of scholastic age than the latter. In the county of Navarro alone, this difference is 179.

In view of these facts, and of the circumstance that the schools have at length been placed in running order, the board recommend that section two of the school law of April 24, 1871, be amended by enacting that the State be re-apportioned into twelve supervisors' districts, instead of thirty-five; and that over each of these twelve districts a supervisor be appointed with an annual salary of eighteen hundred dollars, and two hundred dollars per annum for traveling expenses and postage.

By this means a yearly reduction of \$18,000 can be effected in the working expenses, and a corresponding amount gained for payment of teachers, except for the current year, when, if the proposed amendment be adopted, to take effect November 1, 1871, the reduction will amount to \$11,000.

The Board further recommend that the unexpended balance of the deficiency appropriation for the payment of teachers and employes, for the year ending August, 31, 1871, be permitted to be added to the appropriation for that purpose for the current year. This balance is estimated at \$33,000 but the precise amount has not yet been ascertained.

The Board are also of opinion, that the appropriation of \$10,000 will not be sufficient to pay the expenses of taking the scholastic census for the current year at the rates fixed by the school law of 1866, and respectfully recommend either a remodelling of the rates determined by that act, or an increase of the appropriation.

All which is respectfully submitted.

EDMUND J. DAVIS, Governor.

WILLIAM ALEXANDER, Attorney-General.

J. C. DEGBESS, Supt. of Pub. Instruction.

Board of Education.

Laid over under the rules.

Mr. Lane moved a suspension of the rules to take up out of its regular order House bill No. 177, to be entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns. and for the protection of the ballot-box, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Evans, George, Gaston, Grothaus, Harn, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Morrison, Moore of Red River, Patton, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Simmons, Slaughter, Smyth, Spencer, Stirman, Tinsley, Weaver, Young, Zapp—45.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Franks, Gardiner, Hamilton, Haswell, Kendall, Locke, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Robinson, Schlotman, Sheriff, Shoemaker, Stockbridge, Tegener, Van Noy, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—28.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

PETITIONS AND MEMORIALS.

Mr. Tegener presented a petition from the citizens of Kerr county for relief to build a court house, which was read and referred to the Committee on Finance.

On motion of Mr. Chambers the rules were suspended to allow Mr. Youngkin, chairman of the Committee on Printing and Contingent Expenses, to submit the following majority and minority reports :

COMMITTEE ROOM,
Austin, Oct. 5, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Printing and Contingent Expenses, to whom was referred House bill No. 691, entitled "An act to repeal an act entitled 'an act regulating public printing,'" after due consideration of the question before them, beg leave to report as follows: That they have taken into consideration section ten of said act, and are fully convinced the rates as therein allowed are not exorbitant, and that said work could not be properly done at a less rate if let out to the lowest bidder, and in view of the depreciated condition of the State warrants at the present time, the enormous expense and undue legislation which must ensue in passage of a new act, and in making an appropriation to carry out its provisions, we recommend that sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled "An act regulating public printing," approved August 13, 1870, be stricken out and House bill No. 691 be laid upon the table.

YOUNGKIN, Chairman,
ROBERT ZAPP,
B. F. WILLIAMS,
J. J. HAMILTON.

COMMITTEE ROOM,
AUSTIN, Oct. 5, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: The undersigned, a minority of the Committee on Printing and Contingent Expenses, beg leave to report favorably on House bill No. 691, it being entitled "An act to repeal an act entitled 'an act regulating public printing,' approved August 13, 1870."

The act, which by this bill is sought to be repealed, is undeserving the approbation of any law-making body. It should be stricken from the statute book, and the memory of its existence be forever forgotten.

The legitimate effect of said law has been to produce confusion and uncertainty in the courts, and in the best legal minds of the country; it has been a mighty lever with which to prize money out of the pockets of the people, and place it in the keeping of men who have not earned it, nor given value therefor. It has served the purpose of subsidizing presses in each and every judicial district, to aid and uphold the mal-administration of public affairs. The law has

served no good purpose helpful to the people, nor advantageous to the country. The people are already loaded down with burdensome taxation, independent of the law, which this bill is intended to repeal. The minority do not exaggerate, when they say that this public printing law has in it more iniquities, insidious and sapping in their character, than any other law which was ever in force in the State of Texas. The evils of the law are referred to in general terms because they are patent to every man in the whole country. Under the operations of said law the Public Printer has already attempted to force the legislative branch of the government into terms suggested by himself. It is high time that the servants of the law should understand that they are servants and not masters.

Sir, we feel convinced that the law now sought to be repealed ought to be repealed, because it is antagonistic to an economical administration of the government, and puts the rights of the people into the hands of irresponsible parties, who are paid enormous prices to aid in the enslavement of the people. A new law should be framed with an eye to protect the people on the one hand, and give them information on the other, while no unlawful and corrupt profits are made to enrich and fatten the harpies who now have their beaks in the hearts of all the citizens.

We respectfully recommend that the bill do pass.

T. J. CHAMBERS,

W. B. STIRMAN,

H. R. ALLEN.

On motion of Mr. Slaughter, the further consideration of the reports and House bill No. 691 was postponed and made the special order for Friday next, at 11 o'clock, A. M.

Mr. Slaughter moved a suspension of the rules to take up out of its regular order House joint resolution No. 30, "Joint resolution authorizing and requiring a settlement of accounts of the late State Treasurer, and refunding a balance ascertained to be due him;" upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Burley, Camp, Cole, Cotton, Cox, Dorris, Evans, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kendall, Lacy, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Morrison, Patton, Pierson, Robb, Schlickum, Schlotman, Sheriff, Shoemaker, Slaughter, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Zapp—43.

Nays—Messrs. Abbott of Austin, Bonner, Chambers, Davis, Gaston, Grothaus, Kyle, Lane, Leonard, McKee of Fannin, McLean, Mitchell, Morris, Moore of Red River, Posey, Robertson, Robinson,

Ross, Self, Simmons, Smyth, Stirman, Stockbridge, Weaver, Zoeller—25.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Oct. . . , 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 132, "An act amendatory of an act approved October 1, 1866, entitled 'an act granting to James L. Tarver the privilege of constructing a ferry across Big Cypress;'" No. 133, "An act to authorize John R. Strickland and Douglas Pucket to establish a ferry on Big Cypress creek;" No. 537, "An act supplemental to 'an act to provide the mode of trying titles to lands,' approved February 5, 1840;" No. 29, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' and find the same correctly enrolled.

GEO. T. HASWELL, Chairman.
GROTHAUS,
POSEY.

Report accepted, and the Chief Clerk dispatched to the Senate with the enrolled bills reported on by the committee, which had been signed by the Speaker, for the signature of the President of that body, which were signed and returned. Also, returning Senate bill No. 498, which had been passed by the House without amendment.

Mr. Medlock moved a suspension of the rules to allow him to offer a resolution, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. H. R. Allen, Richard Allen, Booty, Burley, Camp, Chambers, Cotton, Cox, Davis, Dorris, Evans, Gardiner, Grothaus, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Lacy, Leonard, Locke, Lorance, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Morris, Morrison, Patton, Pierson, Posey, Robertson, Robinson, Schlickum, Schlötman, Schutze, Sheriff, Shoemaker, Smyth, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—49.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Bonner, Cole, Gaston, Hawkins, Kyle, Lane, McKee of Fannin, Moore of Red River, Robb, Ross, Self, Simmons, Stirman, Tegener, Van Noy, Weaver—18.

So the rules were suspended, and Mr. Medlock presented the following resolution :

Resolved, That the Hon. Shep. Mullens, deceased, is entitled to his *per diem* pay for this session, and that the Hon. G. W. Patton is hereby authorized and empowered to demand of the Clerk the certificate for the *per diem* pay, and to present the same to the Treasurer and receipt for the widow the amount due thereon, receipting in the name of said surviving wife, she having requested the same to be done by him.

Resolution read the first and second times.

Mr. Miller moved to lay the resolution on the table, upon which motion the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Davis, Evans, George, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Spencer, Stirman, Van Noy, Weaver, Young—37.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Franks, Gardiner, Hamilton, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patton, Plumley, Robinson, Schlickum, Schlötman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—36.

So the resolution was laid on the table.

Mr. Jo. Abbott offered the following concurrent resolution :

Resolved, That the President of the Senate and the Speaker of the House of Representatives, be authorized to adjourn their respective Houses on Thursday, the 19th of October, 1871, *sine die*.

Concurrent resolution read the first and second times.

Mr. Slaughter moved that the resolution be referred to the Committee on Immigration.

On motion of Mr. Plumley, the motion of Mr. Slaughter was amended by striking out "Immigration" and inserting in lieu thereof "Agriculture and Stockraising."

The question recurring on the adoption of the motion made by Mr. Slaughter, as amended, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Gardiner, Johnson, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Pierson, Plumley, Robinson, Schlickum, Spencer, Stockbridge, Tegener, Van Noy, Williams of Colorado, York, Youngkin—28.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Evans, Franks, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Morris, Moore of Red River, Patton, Posey, Robb, Robertson, Ross, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Tinsley, Weaver, Williams of Walker, Young, Zapp—43.

So the House refused to refer the resolution to the Committee on Agriculture and Stockraising.

On motion of Mr. Schutze the resolution was referred to a special committee of three.

11 o'CLOCK A. M.

SPECIAL ORDER,

Viz: The consideration of House bill No. 810, to be entitled "An act concerning private corporations."

On motion of Mr. Evans the House resolved itself into a committee of the whole House for the consideration of House bill No. 810.

[Mr. Morrison in the chair.]

12 o'CLOCK M.

House resumed.

[Speaker Sinclair in the chair.]

A message was received from the Senate transmitting for the concurrence of the House Senate bill No. 362. Also, returning the following House bills which had been passed by that body without amendments: Nos. 726, 704 and 812.

Committee of the whole resumed.

[Mr. Morrison in the chair.]

1 o'clock, House resumed.

[Speaker Sinclair in the chair.]

The committee of the whole arose reported progress and recommended the adoption of the following amendments to House bill No. 810, viz:

1. Amend section five, lines twenty-seven and twenty-eight, by striking out the words "laying out of town sites" and inserting in lieu thereof the words "sub-divisions of lands."

2. By striking out paragraph fifteen of section five.

3. Section five, paragraph sixteen, by striking out the word "out," in line thirty-three, and inserting after the word "road," in line thirty-four, the words "except a railroad."

4. Section eight, by striking out the word "five," in line two, and insert in lieu thereof the word "three," and by striking out

the word "three," in line three, and inserting in lieu thereof the word "two."

5. Section eleven, by striking out the words "and alter the same at pleasure," in lines seven and eight, and by striking out all of the section after the words "than thirteen."

6. By striking out section twelve.

7. By striking out section thirteen.

8. By striking out all after the word "corporation," in line four, in section eighteen.

9. By inserting after the word "treasurer," in line three of section eighteen, the words "and such other officers as they may deem necessary."

10. By inserting in line four, section nineteen, after the words "or amended by a" the word "majority."

11. By striking out section twenty-four.

12. Section twenty-five, line three, by striking out the word "territory" and inserting in lieu thereof the word "republic."

13. Section twenty-seven, by striking out all after the word "prescribe," in line five.

14. Section thirty-six, by striking out in lines one and two the words "all corporations or joint stock companies," and insert in lieu thereof the words "each corporation or joint stock company;" also, by striking out the lines five, six, seven, down to and including the word "corporations" in line seven, and insert in lieu thereof the words "its principal office."

15. Section thirty-six, by striking out all after the word "State" in line eight.

16. Section thirty-five, by striking out the word "probate" and inserting in lieu thereof the word "district."

17. Section thirty-seven, by striking out lines four, five and six.

18. Section forty-one, line four, by striking out the word "five" before the word "years" and inserting in lieu thereof the word "three;" and by striking out all after the word "shall" in line six and inserting in lieu thereof the words "be dissolved and its charter become void."

19. By striking out article six.

20. By striking out the words "county commissioners" wherever they occur, and inserting in lieu thereof the words "county court."

21. Section sixty-nine, by striking out from the word "company" in line three down to and including the words "or toll gates" in line five.

22. Strike out in article nine sections seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-two and eighty-three.

23. Section eighty-four, by striking out the words "in this article" and inserting in lieu thereof the words "the general laws of the State."

24. By striking out articles ten and eleven.

25. Section one hundred and eighteen, by inserting after the word "lodge" in line five, the words "or other order."

26. Section one hundred and twenty-one, by striking out the words "register of deeds" and inserting in lieu thereof the words "the district clerk."

27. Section one hundred and twenty-three, by striking out the words "not to exceed twelve per cent." and inserting in lieu thereof the words "as may be agreed upon."

28. Section one hundred and twenty-five, by striking out the words "from whom there shall be designated a president, a cashier and a secretary," and inserting in lieu thereof the words "who shall designate a president, a cashier and a secretary, and such other officers as the association may require."

29. By striking out the words "register of deeds" wherever they occur, and inserting in lieu thereof the words "clerk of the district court."

30. By striking out section one hundred and thirty.

On motion of Mr. Evans the report was received and the Committee discharged.

Mr. Schutze moved a reconsideration of the vote by which the House refused to lay on the table the Governor's message, the concurrent resolution offered by Mr. Slaughter and the other papers accompanying the Governor's message in regard to martial law in Limestone and Freestone counties.

On motion of Mr. Burley the House at 1:20 o'clock adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 18, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Haswell, the reading of yesterday's journal was dispensed with.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills ask leave to report that they have this day sent to the Governor, for his approval, the following bills, to-wit: House bill No. 393, entitled "An act to amend section two of an act entitled 'an act defining lawful enclosures, and for other purposes,' approved March 16, 1840;" House bill No. 196, "An act to incorporate the officers and members of the Fort Worth Masonic Institute, No. 148, A., F. and A. Masons, at Fort Worth, Tarrant county, Texas;" House bill No. 173, "An act to incorporate the Indianola Colored Benevolent Society;" House bill No. 638, "An act to incorporate the Texas Stockraising Company;" House bill No. 531, "An act for the relief of George Cox;" House bill No. 132, "An act amendatory of an act, approved October 1, 1866, entitled 'an act granting to James L. Tarver the privilege of constructing a ferry across Big Cypress;" House bill No. 133, "An act to authorize John R. Strickland and Douglas Pucket to establish a ferry on Big Cypress creek;" House bill No. 537, "An act supplementary to 'an act to provide the mode of trying titles to lands,' approved February 5, 1840;" House bill No. 29, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas.'"

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted.

The Chair announced the select committee for the consideration of House concurrent resolution No. 11, with regard to adjournment, to be Messrs. Schutze, Morris and Jo. Abbott.

By unanimous consent Mr. R. Williams introduced a bill (House

bill No. 820) to be entitled "An act to incorporate the Huntsville Union Benevolent Association," which was read the first time.

On motion of Mr. R. Williams the rules were further suspended and House bill No. 820 was read the second time and referred to the Committee on State Affairs.

On motion of Mr. Austin the rules were suspended and House bill No. 696, to be entitled "An act to regulate the times of holding courts in the Eleventh Judicial District," was taken up out of its regular order, and the House agreed to the following Senate amendments: Amend section one, line seven, by striking out the word "three" and inserting the word "four" before the word "weeks." Also, amend section one, line eight, by striking out the words "fourth Mondays in January, May and September" and inserting in lieu thereof "first Mondays in February, June and October." Also, amend section one by striking out after the word "Hunt," in line ten, and before the words "in Collin," in line fourteen, and insert in lieu thereof "on the fourth Mondays in February, June and October, and may continue in session two weeks." Also, amend section one, in line fourteen, by striking out the word "first" before the word "Mondays," and insert in lieu thereof the word "second."

By unanimous consent, Mr. Pierson introduced a bill (House bill No. 821) to be entitled "An act permanently establishing the county site of the county of Rains," which was read the first time.

On motion of Mr. Pierson, the rules were suspended and House bill No. 821 was read the second time.

On motion of Mr. Pierson, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 821 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Pierson, the rules were further suspended and House bill No. 821 was read the third time, passed and its title agreed to.

Mr. Grothaus moved a suspension of the rules to take up Senate bill No. 454. Rules not suspended.

On motion of Mr. Evans, the rules were suspended and Senate bill No. 439 was taken up out of its regular order and read the first time.

On motion of Mr. Locke, the rules were suspended and Senate bill No. 439 was read the second time and referred to the Committee on State Affairs.

On motion of Mr. Cole the rules were suspended and the report of the Educational Board was taken up, and on motion of Mr. Chambers it was referred to the Committee on Education.

A message was received from the Senate informing the House that that body had passed, notwithstanding the Governor's veto message, Senate bills No. 274, "An act for the relief of the heirs of Charles G. Bryant, deceased," and No. 275, "An act for the relief of the heirs of Andrew Jackson Bryant, deceased."

Also, transmitting for the concurrence of the House Senate bill No. 494, to be entitled "An act to incorporate the Starr Water Works Company."

By unanimous consent Mr. Evans introduced a bill (House bill No. 822) to be entitled "An act abolishing the office of Supervisor of Education in each judicial district of the State, and providing for the appointment of one assistant superintendent of public instruction for each Congressional district of the State," which was read the first time.

On motion of Mr. Franks the rules were suspended and House bill No. 822 was read the second time and referred to the Committee on Education.

On motion of Mr. Zoeller the rules were suspended and House bill No. 28, to be entitled "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856," was taken up out of its regular order, and on motion of Mr. Grothaus the House agreed to the following Senate amendment: Amend by inserting the word "burglary" after the word "arson."

Mr. Franks moved a suspension of the rules to take up out of its regular order House bill No. 320 to be entitled "An act to enforce section twenty-one article one of the Constitution."

Mr. R. Allen moved a call of the House. Call sustained. Absent, not excused—Messrs. H. Moore, Prissick, and Ross.

Mr. Dupree moved a suspension of the call of the House. Call not suspended.

Mr. R. Allen moved that the house adjourn until Thursday next at 10 o'clock A. M. Lost.

On motion of Mr. R. Allen the call of the House was suspended.

The question recurring on the motion of Mr. Franks to suspend the rules to take up House bill No. 320, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorance, Manning, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker Slaugh-

ter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp Zoeller—47.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Van Noy, Weaver—31.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

On motion of Mr. Franks, the rules were suspended and the Governor's veto message on House bill No. 101 was taken up out of its regular order and referred to the Committee on Judiciary.

On motion of Mr. Evans, Mr. Manning was granted leave of absence indefinitely from and after to-morrow.

On motion of Mr. Robinson, the rules were suspended to allow him, as Chairman of the Committee on Town and City Corporations, to submit the following report :

COMMITTEE ROOM,
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Town and City Corporations have examined House bill No. 815, to be entitled "An act permanently establishing the county seat of Menard county," and having no objections thereto, would respectfully recommend its passage.

W. G. ROBINSON, Chairman,
J. W. ROBERTSON,
W. J. LOCKE,
A. J. BOOTY,
H. W. YOUNG,
F. G. FRANKS,
H. R. ALLEN.

House bill No. 815 was then read and ordered to be engrossed and passed to its third reading.

11 o'CLOCK A. M.

SPECIAL ORDER,

Viz: House bill No. 810, to be entitled "An act concerning private corporations."

On motion of Mr. Evans the amendments recommended by the committee of the whole House on yesterday were adopted, and

House bill No. 810 was ordered to be engrossed and passed to its third reading.

Mr. Evans moved a suspension of the rules to put House bill No. 810 on its third reading and final passage, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cotton, Cox, Davis, Dupree, Ellis, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Haswell, Jenkins, Kendall, Kyle, Lacy, Leonard, Locke, Lorance, Lyons, Manning, McKee of Guadalupe, McLean, Medlock, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Smyth, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—58.

Nays—Messrs. Abbott of Austin, Bonner, Dorris, Hawkins, Johnson, McKee of Fannin, Miller, Morris, Robb, Robertson, Ross, Self, Stirman, Van Noy, Weaver, Young—16.

So the rules were suspended and House bill No. 810 was read the third time, passed, and its title agreed to.

A message was received from the Senate returning the following House bills, which that body had passed without amendment: No. 549, to be entitled "An act to incorporate Scyene Masonic Male and Female Institute;" No. 746, to be entitled "An act to incorporate the Texas Land and Immigration Company." Also, with amendment, House bill No. 298, to be entitled "An act to incorporate the Germania Club of Brenham." Also, for the concurrence of the House, Senate concurrent resolution No. 9.

Mr. Robinson, Chairman of the Committee on Town and City Corporations, also submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 12, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 750, to be entitled "An act to incorporate the town of Lockhart, in Caldwell county," report the same back and recommend its passage,

W. G. ROBINSON, Chairman,
W. J. LOCKE,
F. G. FRANKS,
J. W. ROBERTSON,
D. W. BURLEY.

House bill No. 750 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. R. Allen, the rules were suspended, and House bill No. 750 was read the third time, passed and its title agreed to.

On motion of Mr. Plumley, the rules were suspended, and Senate concurrent resolution No. 9 was taken up out of its regular order and read the first and second times, and on motion of Mr. Burley, the concurrent resolution was adopted.

Mr. Dupree moved a reconsideration of the vote by which the House laid on the table a resolution relative to the pay of the Hon. Shep. Mullens, deceased, as a member of this Legislature, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Kendall, Locke, Lorange, Manning, McKee, of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—40.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Bonner, Chambers, Cole, Davis, Ellis, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Spencer, Stirman, Van, Noy, Weaver, Young—33.

So the House decided to reconsider the vote.

Mr. Lane moved a call of the House. Call sustained.

Absent, not excused—Messrs. Morrison and Prissick.

On motion of Mr. Burley, the call of the House was suspended.

The question recurring, "Will the House, on reconsideration, lay the resolution on the table?" the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Davis, Ellis, Evans, George, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Spencer, Stirman, Van Noy, Weaver, Young—38.

Nays—Mr. Speaker, Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, Hamilton, Harn, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Shoema-

ker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—39.

So the House, on reconsideration, refused to lay the resolution on the table.

The following special message was received from the Governor by the hands of his Private Secretary :

GOVERNOR'S OFFICE, {
Austin, Oct. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: I return to the House, where it originated, the act entitled "An act to provide for payment of sheriffs in conveying prisoners to the State penitentiary."

This act seems clearly to be in conflict with the provision of the latter part of section six, article twelve, of the Constitution of 1845, and the financial history of the Republic of Texas shows that similar legislation of that period had been productive of so much evil that it was thought necessary, by constitutional enactment, to forbid it in the future.

This act is, further, liable to the objections set forth in my message to the Senate of this date, returning for reconsideration the act entitled "An act to regulate in part the receipt and disbursement of public money," and I ask the consideration by the House of those objections.

Herein I have also to suggest that there can be no pretense of immediate necessity for such legislation in this case, because the lessees of the penitentiary are required by their contract to pay these sheriffs costs to the extent of ten thousand-dollars (\$10,000) per annum. That amount for the present year is not yet exhausted, and before it is, I have reason to hope the Treasury will be able to meet its engagements in cash.

Respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.

Mr. Robertson moved to refer the resolution to the Committee on Claims and Accounts. Lost.

On motion of Mr. Schutze the resolution was amended by striking out the words "she having requested the same to be done by him."

Mr. Cole moved to amend by adding: "And the family of the late Hon. M. A. Elliott receive through the Hon. J. B. Self the amount from the State which would have been due the deceased had he lived to this time and served as a member of this body."

Mr. R. Allen moved to amend the amendment by striking out

"had he lived to this time and served as a member of this body" and inserting in lieu thereof "to the end of the present session."

The Chief Clerk was dispatched to the Senate to inform that body that the House had agreed to the Senate amendments to House bills Nos. 28 and 696.

Mr. Jo. Abbott moved to lay the amendment to the amendment on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Evans, George, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, Young—33.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Franks, Grothaus, Hamilton, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—39.

So the House refused to lay the amendment to the amendment on the table.

The question recurring on the adoption of the amendment to the amendment, it was not adopted.

The question then recurring upon the adoption of the amendment, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Cole, Dupree, Ellis, Harn, Hawkins, Johnson, Lane, Leonard, Lyons, Pierson, Plumley, Posey, Robb, Robertson, Ross, Self, Spencer, Stockbridge, Van Noy, Weaver—26.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Chambers, Cotton, Cox, Davis, Dorris, Evans, Franks, George, Gaston, Grothaus, Hamilton, Haswell, Jenkins, Kendall, Kyle, Lacy, Locke, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Tegener, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—45.

So the House refused to adopt the amendment.

Mr. Jo. Abbott moved that the House adjourn until 10 o'clock, A. M., to-morrow. Lost.

Mr. R. Allen moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the resolution, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Franks, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Manning, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Evans, George, Gaston, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Spencer, Stirman, Van Noy, Weaver, Young—34.

So the resolution was adopted.

The Chair announced the following as the committee appointed under Senate concurrent resolution No. 9, adopted this day :

Messrs. Plumley, Johnson, Tegener, Kyle and Gaston.

Mr. Robertson raised the point of order, that it required a two-thirds vote to adopt the resolution in relation to Shep. Mullens, deceased.

The Chair ruled the point of order not well taken.

Messrs. Robertson and McLean appealed from the decision of the Chair.

Mr. Patton moved to lay the appeal on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Franks, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Ellis, Evans, George, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, Young—35.

So the appeal was laid on the table.

On motion of Mr. Tegener the rules were suspended to allow him to offer the following resolution :

Resolved, That a select committee of seven be appointed by the Speaker to inquire into and report upon the condition of the offices of the Comptroller and Treasurer of the State, and the mode and manner of auditing and paying claims against the State, and that said committee shall have leave to report at any time.

Resolution read the first and second times, and on motion of Mr. Schutze it was adopted.

Mr. Schutze moved a suspension of the rules to allow the chairman of the Committee on Comptroller's and Treasurer's offices to submit a report.

On motion of Mr. Johnson the House at 1 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 19, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

Mr. B. F. Williams, as a question of privilege, offered the following concurrent resolution :

Concurrent resolution No. 12.

Resolved, That the President of the Senate and the Speaker of the House of Representatives concurring, do hereby declare their respective Houses adjourned *sine die* on the 12th day of November at 12 o'clock M.

Resolution read the first and second times.

Mr. Schutze moved to refer the concurrent resolution to the select committee, to which House concurrent resolution No. 11 had been referred, upon which motion the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Camp, Davis, Dorris, Evans, Franks, Gardiner, George, Harn, Haswell, Jenkins, Johnson, Locke, Lorange, Lyons, Miller, Morrison, Pierson, Plumley, Robertson, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Van Noy, York, Young, Youngkin, Zapp—34.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Booty,

Bonner, Chambers, Cole, Cotton, Cox, Dupree, Gaston, Grothaus, Hawkins, Kendall, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Mitchell, Morris, Moore of Harrison, Moore of Red River, Patton, Posey, Robb, Ross, Schlotman, Self, Simmons, Smyth, Stirman, Tinsley, Weaver, Williams of Colorado, Williams of Walker, Zoeller—41.

So the House refused to refer the concurrent resolution to the select committee.

Mr. McLean moved to amend the resolution by adding, "*provided*, an election for members to the next Legislature and for other vacant offices is provided for by law, to take place during the coming winter."

Mr. Dupree moved to lay the resolution and amendment on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Camp, Davis, Dorris, Dupree, Franks, Gardiner, Hamilton, Haswell, Johnson, Locke, Lorange, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Van Noy, York, Youngkin—31.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Chambers, Cole, Cotton, Cox, Evans, George, Gaston, Grothaus, Harn, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlotman, Self, Simmons, Smyth, Stirman, Tinsley, Weaver, Williams of Colorado, Williams of Walker, Young, Zapp, Zoeller—45.

So the House refused to lay the resolution and amendments on the table.

Mr. Dupree moved that the further consideration of the resolution and amendment be postponed until the twelfth day of November next, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Camp, Cotton, Dorris, Dupree, Franks, Gardiner, Lyons, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schutze, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Youngkin—20.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Chambers, Cole, Cox, Davis, Evans, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller,

Mitchell, Morris, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Stirman, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—56.

So the House refused to postpone the resolution and amendment.

The question recurring on the adoption of the amendment, the yeas and nays were called for and resulted as follows:

Yeas---Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Evans, Gardiner, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Walker, York, Young, Zapp—53.

Nays---Messrs. Richard Allen, Cotton, Cox, Davis, Dorris, Dupree, Hamilton, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patton, Robinson, Sheriff, Tinsley, Williams of Colorado, Youngkin, Zoeller—20.

So the amendment was adopted.

Mr. Schutze moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the resolution as amended, the yeas and nays were called for and resulted as follows:

Yeas---Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Cotton, Cox, Davis, Evans, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—62.

Nays---Messrs. Richard Allen, Camp, Dorris, Dupree, Franks, Locke, Lorange, McKee of Guadalupe, Morris, Patton, Sheriff, Spencer, Tinsley—13.

So the resolution as amended was adopted.

The Speaker announced the following as the select committee appointed under a resolution adopted yesterday in relation to an investigation of the Treasurer's and Comptroller's offices: Messrs.

Tegener, Schutze, Evans, Plumley, Kendall, Hawkins and Chambers.

Mr. Franks moved a suspension of the rules to allow him to offer a resolution. Rules not suspended.

UNFINISHED BUSINESS.

Viz: The motion of Mr. Schutze to suspend the rules to allow Mr. Morris, chairman of the Committee to Examine Comptroller's and Treasurer's offices, to submit a report, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Booty, Bonner, Camp, Chambers, Davis, Dorris, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Haswell, Johnson, Kendall, Kyle, Lacy, Locke, Lorange, Lyons, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Zapp, Zoeller—57.

Nays—Messrs. Abbott of Hill, Austin, Cole, Cotton, Cox, Gaston, Harn, Hawkins, Jenkins, Lane, Leonard, McKee of Guadalupe, McKee of Fannin, Ross, Stirman—15.

So the rules were suspended, and Mr. Morris, chairman of the Committee to Examine Comptroller's and Treasurer's Offices, submitted the following majority and minority reports:

COMMITTEE ROOM,
Austin, Oct. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee appointed to examine into the condition of the Comptroller's and Treasurer's offices would most respectfully report that they have performed that duty, and after a careful and rigid examination of witnesses, coupled with other evidences of the most substantial character, they feel it imperative upon them to present the charges enumerated below against Comptroller A. Bledsoe.

It is not the province of your committee to suggest any causes that might actuate—be they good or bad—and it is far from their purpose or desire to attempt to prejudice adversely any one to the actions and motives of the officer in question, but being fully convinced that all these charges can be *substantiated*, they respectfully

present them with appropriate resolutions, and ask of the House that courtesy which the subject and the committee each demand--*an examination.*

Your committee would represent—1. That Comptroller A. Bledsoe has used special funds in the Treasury, belonging to counties, for the payment of his own salary and the salaries of others around him, while older salary claims remain unpaid, which is not only a palpable, but dangerous violation of law.

2. He has refused to draw his "deposit warrant," authorizing the Treasurer to receive money from sheriffs through their own authorized agents.

3. He has used his official authority to *compel sheriffs* to pay money into his hands instead of into the Treasury, as the law requires them to do.

4. He has caused money, thus forced into his own hands, to be used for the payment of warrants in the hands of friends of his own selection.

5. He has forbidden sheriffs sending drafts to any one but himself, and is in the habit of placing drafts thus forced into his own hands in the hands of private friends for collection, thus taking a legitimate business from other business houses, and concentrating the same in the hands of his chosen friends.

6. He has drawn of sheriffs in favor of this friend, who was permitted to pay the amount into the Treasury in warrants, when they were at a discount in the market, thereby enabling this friend to use money in sheriffs' hands for speculative purposes, and it certainly must prove fatal to the credit of a State, when its chief accountant officer lends his official influence to aid speculation on its paper.

7. He has extended rights and privileges to some, and denied the same to others, thus practicing a system of favoritism wholly intolerable in a public officer.

8. He has accumulated money belonging to the State, in his own hands, or subject to his control outside of the Treasury and has ruled against the redemption of Treasury warrants in any way except under his own dictation, thus affording an opportunity for speculation unequalled in the history of the government.

By these and other unlawful measures, the Comptroller's Office has been used as an engine of favoritism to some and oppression to others, equally to the damage of both public and private interests, and Treasury warrants being under such control are now unnecessarily at a discount of twenty-five per cent.

Therefore, in view of the premises, and for full justice to the State, the people, and the vindication of the law, your Committee

most respectfully but earnestly recommend the adoption of the following resolution, viz :

Resolved by the House of Representatives of the State of Texas, That A. Bledsoe, Comptroller of the State of Texas, be impeached, in the name and by the authority of all the people of the State of Texas, of high crimes and misdemeanors in office.

C. D. MORRIS, Chairman.

L. B. CAMP,

B. F. WILLIAMS,

G. W. SPENCER.

COMMITTEE ROOM,
Austin, Oct. 9, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : The undersigned, members of your committee to examine Comptroller's and Treasurer's offices, dissenting from the majority report of said committee, beg leave to submit the following minority report :

The majority report terminates with a resolution to appoint a committee to prepare articles of impeachment against the Comptroller of Public Accounts. We think that no step should be taken which would call in question the honesty of that or any other public officer, until every source from which evidence, both to establish and refute the charges against him, is exhausted. Now, if we show that this has neither been done nor attempted to be done, we think we will have furnished sufficient reason why the House should instruct the committee to go back and resume its investigations at that point where your minority think those investigations improperly and prematurely terminated.

We have only been allowed to scan hastily--and that too when the house was in session--the majority report. We think it is our right to examine that report, and so familiarize ourselves with its contents as to be able to traverse the statements there made, which we consider flagrant misrepresentations of the facts; but the chairman of that committee has, for some reason, which he has seen proper to conceal from us, carefully withheld from us this report. We recollect, however, that it begins by stating, that "after a careful examination of the records," etc., they have come to their conclusion. Now, some of us have been present at every meeting of the committee, and we do not know when this "careful examination" took place, as no book or paper of any office has, to our knowledge, ever been examined by the committee. A memorandum

of charges was exhibited to the committee, in the handwriting of parties at whose instance this investigation was commenced.

Four men have made statements to the committee, one of them believes himself to have been injured in a financial way by the late rulings of the Comptroller. Another is known to have been dismissed from a clerkship in the Comptroller's office. The others were known to think differently from the Comptroller in regard to the propriety of his late instructions to the sheriffs and other rulings and usages of his office. Here the investigation closed, but we presumed for the present only. A motion was made and carried that the chairman submit a report for the action of the committee. The report was never submitted to the committee as required to be done by a vote of the committee. The committee has never since been convened. The chairman of the committee has refused flatly—not to say angrily—again to convene it. There has never been any formal action on the majority report, as expressly required by rule eighty-one page nineteen of the rules governing this House.

One of the charges brought against this officer is that he has ordered the Treasurer to use a special fund belonging to the counties for the purpose of paying the salaries of officers and employes of the government. Now the fact is that this fund was used as alleged, and the Comptroller drew his draft upon the sheriffs of the various counties to which this fund was due in favor of the counties for the amounts due them respectively. Thus the money has gone where it properly belonged, without expense, and at the request of the county courts themselves, as shown by the letters addressed by the county courts to the Comptroller, and now on file in that office. The most zealous accuser of the Comptroller could only say that it was at most only a merely technical violation of law, in which no one was injured. But admitting it to be the flagrant wrong it is alleged to be by the majority report, we feel safe in saying no warrant was ever issued by the Comptroller to the Treasurer requiring him thus to use this money, but it was only a suggestion permitting it to be done. Besides, we have abundant reason to think it was done after deliberate consultation with the Governor and Treasurer, and with their warm approval and ready acquiescence. We think it, therefore, very unjust that the censure due to several should be inflicted on one alone. And if the impeachment of any officer is made necessary by this transaction, it is surely the Treasurer, who should have required the warrant of the Comptroller before using this fund illegally, and then we think it very questionable whether the Treasurer is compellable to obey the mandate of the Comptroller commanding him to do an illegal act. Another charge is that the Comptroller refuses to issue his deposit warrant

to one of the banking houses of this city to authorize them to pay into the treasury money placed in their hands by the sheriffs for whom they are agents, while he, the Comptroller, draws his drafts upon the sheriffs of the several counties, and permits these drafts to be collected by another banking house in this city, and the amounts thus remitted by these drafts to be paid into the treasury by this banking house in treasury warrants, which sell upon the streets at a heavy discount. This, as well as we recollect from the moment's examination we were generously allowed to make of the majority report, which our very ingenuous chairman says we had no right to see at all, is in that report said to be the practice "of a system of favoritism wholly intolerable in a public officer." We do not disagree with these gentlemen that this misconduct, if it exist, deserves the reprehension of this body; but we do insist that while they have been wide awake to every item of information tending to establish this charge, they have persistently, obstinately, and, it seems to us, purposely blinded themselves to every avenue of evidence that would go to disprove it.

Evidence has been sought with cormorant greediness to show that the Comptroller has been guilty of offences which bear the blackening name of "high crimes and misdemeanors," while not one single opportunity has been given him to defend himself against these charges. When sufficient evidence is produced to warrant it, we will not refuse to recommend the impeachment of this officer; but we do protest in the name of right, of honesty and of common justice—we protest against condemning this officer unheard, upon *ex parte* statements, which we cannot dignify with the name of evidence, for the party making the principal charge against this official, tells us not what he knows himself, but what he is prepared to prove by others. Here, we have the spectacle of a man accused, not already condemned by a majority of your committee, and not even notified officially that there is a charge against him; the spectacle of a man asking the poor privilege of showing himself to be innocent, when the law requires his accusers to show him to be guilty, and that poor privilege denied him. We refuse to be parties to a proceeding so unprecedentedly and so shamefully unjust. We submit that we have as good reason to think these charges false as the majority have for thinking them true. But admitting them to be true, the most resolute accuser of the Comptroller that has appeared before the committee admits that there is a sufficient remedy for the alleged evils without impeachment. Why it is, then, that the majority will be satisfied with nothing short of impeachment, with the most unquestioned assurances that all the ends sought can be accomplished without it, we confess ourselves

unable to comprehend. All those who have appeared before us say, they believe the Comptroller to be honest, but that he ignorantly issues orders to sheriff, and makes rulings that are improper. What, then, is more easy than, by an act of the Legislature, to prescribe a rule for this officer, and thus cover the alleged evils that exist in that office. We submit that to warrant impeachment there must not only be a wrong act, but that wrong act must be done with a corrupt intent; that where there is an error committed, without any evil design, impeachment does not lie; the remedy in such cases being either by suit upon the bond of the offending party, or his removal upon the address of two-thirds of both houses of the Legislature.

We have received the following certificate from Messrs. Raymond & Whitis, bankers of this city, which we beg leave to submit and make a part of our report:

AUSTIN, Texas, Oct. 7. 1871.

We hereby certify that in our transactions with A. Bledsoe Comptroller, we have neither asked for nor received accommodations from him nor have we granted to him any accommodations, except where by our collecting and cashing for him drafts, in which cases the accommodation was mutual. We have had no understanding with him for favors all our transactions being open to the inspection of any one. We have not paid into him any Treasury warrants for cash collected upon drafts for his office or upon any other account.

RAYMOND & WHITIS.

After a careful consideration of all the facts of this investigation, your minority beg leave to submit the following resolution and recommend its adoption.

Respectfully,

A. J. BOOTY,
JNO. R. BYONS,
McD. LORANCE.

WHEREAS, The investigations made by the committee to examine Comptroller's and Treasurer's offices, has been wholly *ex parte*, imperfect and insufficient; therefore be it

Resolved, That said committee be and they are hereby instructed to resume their investigations and continue them until all the facts constituting the alleged misconduct of the Comptroller become known, and report the same to this House for its action.

The Chief Clerk was dispatched to the Senate to inform that body that the House had adopted Senate concurrent resolution No. 9; also, transmitting for the concurrence of the Senate House concurrent resolution No. 12, in relation to adjournment.

The resolution offered by the majority of the committee was then read the first and second times.

On motion of Mr. Schutze, the majority and minority reports were referred to the special committee of seven appointed by the Speaker under the resolution adopted yesterday.

On motion of Mr. Schutze, the committee was empowered to send for persons and papers, and to swear witnesses and take testimony.

PETITIONS AND MEMORIALS.

Mr. Evans presented a petition from Samuel R. Miller, of Nueces county, which was read and referred to the Committee on Roads, Bridges and Ferries.

Mr. Jo. Abbott presented the petition of R. R. Booth, late district clerk of Hill county, which was read and referred to the Committee on Finance.

By unanimous consent, Mr. Evans introduced a bill (House bill No. 823) to be entitled "An act to amend section nineteen (19) of 'an act to regulate ferries,' approved January 23, 1850," which was read the first time.

On motion of Mr. Evans, the rules were suspended and House bill No. 823 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Evans also introduced a bill (House bill No. 824) to be entitled "An act to amend the two hundred and twenty-eighth section of 'an act prescribing the mode of proceeding in district courts, in matters of probate,' approved August 15, 1870," which was read the first time.

On motion of Mr. Evans the rules were suspended and House bill No. 824 was read the second time and referred to the Judiciary Committee.

On motion of Mr. Locke, the rules were suspended and Senate bill No. 465, to be entitled "An act to amend an act entitled 'an act to incorporate the Island City Real Estate and Homestead Association of Galveston,'" was taken up out of its regular order and read the first time.

On motion of Mr. Locke the rules were further suspended and Senate bill No. 465 was read the second time and referred to the Committee on Finance.

On motion of Mr. Morris the rules were suspended and Senate bill No. 468, to be entitled "An act authorizing the County Court of Marion county to have certain records from other counties transcribed and recorded in said county," was taken up out of its regular order and read the first time.

On motion of Mr. Morris the rules were suspended and Senate bill No. 468 read the second time.

On motion of Mr. Morris the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 468 was ordered to its third reading.

On motion of Mr. Morris the rules were further suspended and Senate bill No. 468 was read the third time, passed, and its title agreed to.

On motion of Mr. Camp the rules were suspended to allow him, as chairman of the Committee on Public Lands and Land office, to submit the following report:

COMMITTEE ROOM,
Austin, Oct. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 811, entitled "An act authorizing the Commissioner of the General Land Office to issue land certificates in certain cases," have duly considered the same, and recommend the following amendments, viz: strike out all after the word "entitle," in the ninth line of the first section of the bill, to the word "the," in the tenth line of said section; also, amend eleventh line of said section by striking out the word "to" and inserting "shall" in lieu thereof. With these amendments the committee recommend the passage of the bill.

L. B. CAMP, Chairman,
FRITZ TEGENER,
J. R. COLE,
B. B. LACY,
JOHN R. LYONS,
ROBERT ZAPP,
WILLIAMS.

On motion of Mr. Camp, the amendments recommended by the committee to House bill No. 811 were adopted.

[Mr. Schutze in the chair.]

House bill No. 811 was then read, and ordered to be engrossed and passed to its third reading.

Mr. Camp moved a suspension of the rules to put House bill No. 811 on its third reading and final passage, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Cole, Davis, Evans, Gardiner, George, Harn, Haswell, Haw-

kins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorance, Lyons, McKee of Fannin, McLean, Miller, Moore of Harrison, Moore of Red River, Plumley, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Slaughter, Smyth, Spencer, Stirman, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, York, Young, Zapp, Zoeller--49.

Nays--Messrs. Abbott of Austin, Richard Allen, Chambers, Cotton, Cox, Dorris, Franks, Hamilton, McKee of Guadalupe, Medlock, Mitchell, Morris, Patton, Robinson, Shoemaker, Stockbridge, Youngkin--17.

So the rules were suspended and House bill No. 811 was read the third time.

On motion of Mr. Franks, House bill No. 811 was recommitted to the Committee on Public Lands and Land Office.

On motion of Mr. Evans, the rules were suspended and House bills Nos. 43, 310, 515 and 649 were taken up out of their regular order and indefinitely postponed.

Mr. Robertson moved a suspension of the rules to allow him to offer a resolution, upon which the yeas and nays were called for and resulted as follows :

Yeas--Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Davis, Dorris, Ellis, Evans, Franks, George, Hamilton Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McKee of Fannin, McLean, Miller, Morris, Moore of Harrison, Moore of Red River, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Tegener, Weaver, Williams of Colorado, York, Young, Youngkin, Zapp, Zoeller--50.

Nays--Messrs. Abbott of Austin, Richard Allen, Cotton, Gardiner, Harn, Haswell, Johnson, Kendall, McKee of Guadalupe, Mitchell, Patton, Robinson, Schutze, Shoemaker, Slaughter, Tinsley, Williams of Walker--17.

So the rules were suspended, and Mr. Robertson offered the following resolution :

Resolved, That a committee of three be appointed to inquire into and report to this House the number of persons drawing pay as employés of this House, in what capacity they are acting, whether any of such employés are also drawing pay as employés of the Senate, and that such committee have power to send for persons and papers, and to swear witnesses.

Resolution read first and second times, and, on motion of Mr. Booty, it was amended by inserting the words "and names" after the word "number."

Mr. Schutze moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Gardner, Harn, Haswell, Johnson, Kendall, McKee of Guadalupe, Morrison, Patton, Robinson, Schutze, Shoemaker, Slaughter, Tinsley, Youngkin—17.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Davis, Dorris, Ellis, Evans, Franks, George, Grothaus, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Moore of Harrison, Moore of Red River, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Tegener, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—53.

So the House refused to lay the resolution on the table.

Mr. Booty moved the previous question. Previous question seconded.

The question being, "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the resolution, it was adopted.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 726, to be entitled "An act to authorize Howard Keyes and his associates to construct a toll bridge across Lake Fork of Sabine river;" No. 812, to be entitled "An act to incorporate the Colorado Fire Company No. 2 of the city of Austin;" No. 731, to be entitled "An act to amend section one of an act entitled 'an act to encourage stockraising, and for the protection of stockraisers,' approved May 22, 1871;" No. 704, to be entitled "An act to incorporate the Yorktown Fire Company No. 1 of the town of Yorktown, in the county of De Witt;" No. 28, to be entitled "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856;" No. 549, to be entitled "An act to incorporate Scyene Masonic Male and Female Institute;" No. 696, to be entitled "An act to regu-

late the times of holding courts in the Eleventh Judicial District," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman.
GROTHAUS,
POSEY.
SHOEMAKER.

Report accepted.

By unanimous consent Mr. Stockbridge Chairman of the Committee on Engrossed Bills submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bills No. 750 to be entitled "An act to incorporate the town of Lockhart in Caldwell county;" No. 815 to be entitled "An act permanently establishing the county seat of Menard county;" No. 821 to be entitled "An act permanently establishing the county site of Rains county," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Report accepted.

Mr. R. L. Moore moved to adjourn until 10 o'clock A. M. tomorrow. Lost.

On motion of Mr. Plumley, the rules were suspended, and Senate bill No. 494, to be entitled "An act to incorporate the Star Water Works Company," was taken up out of its regular order, and read the first time.

On motion of Mr. Plumley, the rules were further suspended, and Senate bill No. 494 was read the second time and referred to the Committee on Internal Improvements.

On motion of Mr. Franks, the rules were suspended, and Senate bill No. 492, to be entitled "An act to amend an act prescribing the mode of procedure in the District Courts in matters of probate, approved August 15, 1870," was taken up out of its regular order, and read the first time.

On motion of Mr. Franks, the rules were further suspended, and Senate bill No. 492 was read the second time and referred to the Committee on Judiciary.

Mr. R. Allen moved a suspension of the rules to take up out of its regular order House bill No. 320, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Camp, Cox, Dorris, Dupree, Evans, Franks, Gardiner, George, Hamilton, Harn, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Plumley, Posey, Robinson, Schlotman, Sheriff, Shoemaker, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—33.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Davis, Ellis, Grothaus, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Patton, Pierson, Robb, Ross, Schlickum, Schutze, Self, Simmons, Slaughter, Smyth, Stirman—32.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

The Chair announced the following as the committee appointed under the resolution adopted this morning in relation to the employés of the House:

Messrs. George, Mitchell and Robertson.

On motion of Mr. Tegener the rules were suspended, House bill No. 815, to be entitled "An act permanently establishing the county seat of Menard county," taken up out of its regular order, read the third time, passed, and its title agreed to.

Mr. Grothaus moved a suspension of the rules to allow him to introduce a joint resolution.

On motion of Mr. Ellis the House at 12:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 20, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Prissick and Stirman.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

UNFINISHED BUSINESS.

Viz: The motion of Mr. Grothaus to suspend the rules to allow him to offer a joint resolution. Rules suspended and Mr. Grothaus offered a joint resolution (House joint resolution No. 37) "Joint

resolution substituting the term of 'Presiding Justice' in place of the term 'Chief Justice,' which was read the first time.

On motion of Mr. Evans, the rules were suspended and House joint resolution No. 37 was read the second time.

On motion of Mr. Grothaus, the rules requiring all bills and joint resolutions on their second reading to be referred to committees was suspended in this case.

On motion of Mr. Miller, section one was amended by inserting the words "or County Judge" after the words "Chief Justices."

House joint resolution No. 37 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus, the rules were further suspended and House joint resolution No. 37 was read the third time, passed, and on motion of Mr. Evans, the title was amended by adding at the end thereof the words "or County Judge."

The title as amended was agreed to.

On motion of Mr. Evans the rules were suspended, and House bill No. 747, to be entitled "An act to authorize the issuance of State bonds for the redemption of State warrants when there is no money in the Treasury to pay the same," was taken up out of its regular order and read the third time.

Mr. R. L. Moore moved a call of the House. Call sustained.

Absent, not excused--Messrs. H. R. Allen, Richard Allen, Ellis, Harn, Hawkins, Lyons, Plumley, Prissick, Schutze and Stirman.

On motion of Mr. Lane the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Austin, Mr. Stirman was excused from attendance under the call on account of sickness.

On motion of Mr. Evans the call of the House was suspended.

Mr. R. Allen moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—44.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Franks, George, Gaston, Harn, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore

of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Van Noy, Weaver Young—31.

So the main question was ordered.

The main question being on the passage of House bill No. 747, it was passed by the following vote, the yeas and nays having been called for.

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Haswell, Johnson, Kendall, Locke, Lorance, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schliekum, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—45.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Ellis, Gaston, Harn, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlotman, Self, Simmons, Smyth, Van Noy, Weaver, Young—30.

The title was, on motion of Mr. Evans, amended so as to read as follows: "An act authorizing a loan to meet deficiencies in the revenue of the State." The title as amended was agreed to.

11 o'clock A. M.

SPECIAL ORDER.

Viz: House bill No. 691, to be entitled "An act to repeal an act entitled 'an act regulating public printing;'" and Senate joint resolution No. 36, "A joint resolution of the Legislature of Texas, instructing and requesting our Congressional delegates to urge upon Congress the reimbursement, to cotton raisers, of the cotton tax imposed upon the products of the soil by acts of Congress, 1864, 1866 and 1867."

On motion of Mr. Lorance, the consideration of the special order was postponed for five minutes.

The Chief Clerk dispatched to the Senate, asking the concurrence of that body in the passage of the following House bills: Nos. 815, 821, 750 and 747; also, announcing that the House had passed Senate bill No. 468 without amendment; also, transmitting for the signature of the President the following enrolled House bills: No. 726, to be entitled "An act to authorize Howard Keys and his associates to construct a toll bridge across lake fork of Sabine river;" No. 812, to be entitled "An act to incorporate the Colorado Fire Company No. 2, of the city of Austin;" No. 731, to be entitled "An act to amend section one of an act entitled 'an act to

encourage stockraising, and for the protection of stockraisers,' approved May 22, 1871;" No. 704, to be entitled "An act to incorporate the Yorktown Fire Company No. 1, of the town of Yorktown, in the county of DeWitt;" No. 28, to be entitled "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856;" No. 549, to be entitled "An act to incorporate Scyene Masonic Male and Female Institute;" No. 696, to be entitled "An act to regulate the times of holding courts in the Eleventh Judicial District," which were signed by the President and returned to the House.

On motion of Mr. Lorance, the rules were suspended, and Senate bill No. 454, to be entitled "An act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company," was taken up out of its regular order, and read the first time.

The five minutes for which the special order was postponed having expired, it was again, on motion of Mr. Lorance, postponed for five minutes.

On motion of Mr. Grothaus, the rules were suspended, and Senate bill No. 454 was read the second time and referred to the Committee on Internal Improvements.

SPECIAL ORDER--Resumed.

Senate joint resolution No. 36.

Mr. Slaughter moved that the further consideration of Senate joint resolution No. 36 be postponed until the fourth day of July next, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Cotton, Cox, Davis, Dupree, Harn, Kendall, Locke, Medlock, Morris, Moore of Harrison, Robinson, Ross, Schlickum, Schlotman, Sheriff, Shoemaker, Slaughter, Spencer, Tegener, Williams of Colorado, Williams of Walker, Zoeller—22.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Bonner, Burley, Camp, Chambers, Cole, Dorris, Ellis, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Jenkins, Johnson, Kyle, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Mitchell, Morrison, Moore of Red River, Patton, Pierson, Plumley, Robertson, Self, Smyth, Van Noy, York, Young, Zapp—39.

So the House refused to postpone the consideration of Senate joint resolution No. 36.

Senate joint resolution No. 36 was then read the third time.

On motion of Mr. Zapp Senate joint resolution No. 36 was referred to the Committee on State Affairs.

House bill No. 691 was then read.

Mr. Morris offered a substitute for House bill No. 691.

Mr. Morrison moved to lay the substitute on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Cotton, Dorris, Dupree, Gardiner, Harn, Haswell, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Shoemaker, Tinsley—15.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cox, Davis, Ellis, Evans, Franks, George, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Moore of Red River, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—55.

So the House refused to lay the substitute on the table.

Mr. Morrison moved to strike out the words "twenty-five dollars," and insert in lieu thereof the words "one dollar." Lost.

The question recurring on the adoption of the substitute offered by Mr. Morris, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. R. Allen, Cotton, Dupree, Franks, Gardiner, Haswell, Locke, Morris, Morrison, Moore of Harrison, Plumley, Robinson, Shoemaker, Tinsley, Youngkin—15.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cox, Davis, Dorris, Ellis, Evans, George, Gaston, Grothaus, Hamilton, Harn, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lane, Leonard, Lorange, Lyons, McKee, of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Moore of Red River, Patton, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—57.

So the House refused to adopt the substitute.

A message was received from the Senate, returning House bill No. 673, which that body had passed without amendment; and House bill No. 63, which had been passed by the Senate with amendment.

Also, transmitting for the concurrence of the House, Senate bills Nos. 499 and 271.

Mr. Zapp offered a substitute for House bill No. 691.

Mr. Morrison moved to lay the substitute on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Dorris, Dupree, Franks, Harn, Haswell, Medlock, Morris, Morrison, Moore of Harrison, Patton, Plumley, Shoemaker, Tinsley, Youngkin—17.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Burley, Camp, Chambers, Cox, Davis, Ellis, Evans, George, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Mitchell, Moore of Red River, Pierson, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Slaughter, Smyth, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—54.

So the House refused to lay the substitute on the table.

The question recurring on the adoption of the substitute the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cotton, Cox, Davis, Dorris, Ellis, Evans, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Slaughter, Smyth, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—59.

Nays—Messrs. Abbott of Austin, Dupree, Franks, Harn, Haswell, Morris, Moore of Harrison, Patton, Robinson, Shoemaker, Tinsley, Youngkin—12.

So the substitute was adopted.

House bill No. 691 was then ordered to be engrossed and passed to its third reading.

Mr. Evans moved a suspension of the rules to put House bill No. 691 on its third reading and final passage, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Burley, Camp, Chambers, Cox, Davis, Ellis, Evans, George, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Self, Sheriff, Simmons, Slaughter, Smyth, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—51.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Dorris, Dupree, Franks, Harn, Haswell, Johnson, Kendall, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Shoemaker, Tinsley, Youngkin—20.

So the rules were suspended, and House bill No. 691 was read the third time passed, and on motion of Mr. Evans the title was amended so as to read as follows: "Act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen, and seventeen, of 'an act regulating public printing, approved August 13, 1870,'" and as amended was agreed to.

On motion of Mr. Franks, the rules were suspended to allow him, as chairman of the Committee on Judiciary to submit the following report.

COMMITTEE ROOM, }
Austin, Oct. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 148, to be entitled "An act regulating the removal of disabilities of minors," have had the same under consideration and recommend its passage.

Respectfully,

FRANKS, Chairman,
H. W. YOUNG,
GEORGE,
LOCKE,
MORRISON,
McLEAN.

Senate bill No. 148 was then read.

On the question of ordering Senate bill No. 148 to its third reading, the yeas and nays were called for, and, upon the roll being called, it was found that there was no quorum present.

On motion of Mr. Haswell, the House at 1:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 21, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Ellis and Prissick.

On motion of Mr. R. Allen, the reading of yesterday's journal was dispensed with.

On motion of Mr. Austin, Mr. Stirman was excused attendance on the House for one week, commencing on yesterday.

On motion of Mr. Camp, Mr. Davis was excused from attendance on the House for ten days, commencing on Monday next.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Oct. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following House bills, to-wit: No. 673, "An act to authorize the County Court of Upshur county to levy a special tax for the completion of the court house in said county;" No. 746, "An act to incorporate the Texas Land and Immigration Company," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman.

• F. E. GROTHAUS.

H. M. SHOEMAKER,

J. W. POSEY.

Report accepted.

And, the Chief Clerk dispatched to the Senate with the enrolled bills, reported on by the Committee, for the signature of the President thereto.

Also, returning Senate bill No. 148, which had been passed by the House.

The enrolled House bills were signed by the President and returned to the House.

Senate bill No. 148 was then read the third time, and passed by the following vote, the yeas and nays having been called for :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Camp, Chambers, Dupree, Evans, Franks, Gardiner, George, Hamilton, Harn, Kendall, Kyle, Lacy, Leonard, Locke, Lyons, McLean, Medlock, Morrison, Patton, Pierson, Plumley, Robertson, Self, Shoemaker, Smyth, Stockbridge, Tinsley, Van Noy, York, Young, Youngkin, Zapp—36.

Nays—Messrs. H. R. Allen, Richard Allen, Cole, Cotton, Cox, Davis, Dorris, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Johnson, Lane, Lorange, McKee of Guadalupe, McKee of Fannin, Miller, Mitchell, Moore of Harrison, Posey, Robb, Ross, Schlickum, Schlotman, Schutze, Sheriff, Simmons, Spencer, Tegener, Weaver, Williams of Colorado, Williams of Walker, Zoeller—34.

The title of the bill was agreed to.

Mr. Stockbridge moved a reconsideration of the vote by which the House passed House bill No. 691, to be entitled "An act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled 'an act regulating public printing,' approved August 13, 1870."

Mr. Evans moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Evans, Gaston, Grothaus, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Smyth, Spencer, Tegener, Van Noy, Weaver, York, Young, Zapp, Zoeller—44.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Haswell, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Schlotman, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin—28.

So the motion to reconsider was laid on the table.

On motion of Mr. Schutze, the rules were suspended to take up the business on the Speaker's table.

The following messages of the Governor were then taken up:

GOVERNOR'S OFFICE,
Austin, Texas, May 29, 1871. }

Hon. DON CAMPBELL,

President of the Senate:

SIR: I return to the Senate, where it originated, "An act to provide for the relief of the heirs of Chas. G. Bryant, deceased."

This is a land grant, and void under section six of article ten of the Constitution.

Respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. McLean, the further consideration of the veto

message of the Governor on Senate bill No. 275 was postponed and made the special order for Tuesday at 11 o'clock A. M.

GOVERNOR'S OFFICE, {
Austin, May 27, 1871. }

Hon. DON CAMPBELL,

President of the Senate :

SIR: I return to the Senate, where it originated, "An act to provide for the relief of the heirs of Andrew Jackson Bryant, deceased.

This is a land grant, and void under section six of article ten of the Constitution.

Respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. McLean, the further consideration of the veto message of the Governor on Senate bill No. 274 was postponed and made the special order for Tuesday next, at 11:30 o'clock A. M.

GOVERNOR'S OFFICE, {
Austin, Oct. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: I return to the House where it originated, the act entitled "An act to provide for payment of sheriffs in conveying prisoners to State penitentiary."

This act seems clearly to be in conflict with the provision of the latter part of section six, article twelve, of the Constitution of 1845, and the financial history of the Republic of Texas shows that similar legislation of that period had been productive of so much evil that it was thought necessary by constitutional enactment to forbid it in the future.

This act is, further, liable to the objections set forth in my message to the Senate of this date, returning for reconsideration the act entitled "An act to regulate in part the receipt and disbursement of public money," and I ask the consideration by the House of those objections.

Herein I have also to suggest that there can be no pretence of immediate necessity for such legislation in this case, because the lessees of the penitentiary are required by their contract to pay these sheriffs' costs to the extent of ten thousand dollars (\$10,000) per annum. That amount for the present year is not yet exhausted, and before it is I have reason to hope the treasury will be able to meet its engagements in cash.

Respectfully,

EDMUND J. DAVIS, Governor.

Mr. Morrison moved to postpone the further consideration of House bill No. 762 until Thursday next at 11 o'clock, A. M. Lost.

The question being "Will the House on reconsideration pass the bill?"

The House refused to pass the bill by the following vote:

Yeas—Messrs. Abbott of Austin, Booty, Chambers, Gardiner, George, Gaston, Grothaus, Harn, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Pierson, Posey, Robb, Robertson, Schutze, Shoemaker, Simmons, Smyth, Spencer, Weaver, Young, Youngkin, Zapp, Zoeller—39.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Bonner, Camp, Cole, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Hamilton, Hawkins, Johnson, Kendall, Lorange, Medlock, Mitchell, Moore of Harrison, Patton, Plumley, Ross, Schlickum, Schlotman, Self, Sheriff, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York—36.

GOVERNOR'S OFFICE,
Austin, May 23, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return to the House of Representatives, where it originated, "An act making an appropriation to pay the expenses of commissioners to locate and build the Agricultural and Mechanical College of Texas."

I return this act because the appropriation is unnecessary. The act authorizing the appointment of these commissioners makes a very large appropriation, enough, in fact, to cover all expense connected with the location and building of the Agricultural and Mechanical College, and no more can be spared from the school fund.

The commissioners who were appointed to locate the college are expected to do so without any compensation to themselves, and on the most economical basis.

Respectfully,

EDMUND J. DAVIS, Governor.

The question being, "Will the House, on reconsideration, agree to pass House bill No. 679?" the House refused to pass the bill by the following vote:

Yeas—Messrs. Haswell, Miller, Pierson—3.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of

Fannin, McLean, Medlock, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Patton, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Smyth, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—68.

GOVERNOR'S OFFICE, }
Austin, May 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return to the House of Representatives, where it originated, the act entitled "An act to regulate the change of venue of cases in the District Court, which the Judges of said court are disqualified from trying."

Under the new Constitution of the State there is no longer necessity for the removal of cases under the circumstances set forth in this act, and the great expense to parties litigant that would attend such removal is avoided. The Governor of the State can, in such cases, under the provisions of section eleven, article five, appoint a special judge to try. This arrangement, as a saving of expense to the parties, is much preferable to that set forth in the act returned.

Very respectfully,

EDMUND J. DAVIS, Governor.

The question being "Will the House, on reconsideration, agree to pass House bill No. 632?" the House refused to pass the bill by the following vote:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Chambers, Cole, Gaston, Haswell, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Schlickum, Schutze, Self, Simmons, Slaughter, Smyth, Tegener, Van Noy, Weaver—32.

Nays—Messrs. Richard Allen, Bonner, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Hawkins, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Ross, Schlotman, Sheriff, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—39.

GOVERNOR'S OFFICE, }
Austin, May 31, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return to the House of Representatives, where it origi-

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nated, the act entitled "An act to incorporate the Corpus Christi and Rio Grande Railroad Company."

Under the fourth section of the act this company is authorized to take private property without previously making compensation therefor, which has been decided by the Supreme Court of this State to be unconstitutional. This objection is the same as that presented in the Galveston and Denver road, returned to the Senate, and the Atlantic and Pacific road, returned to the House of Representatives during the present session.

In this matter of the condemnation of private property, all companies should be remitted to the just provisions on that subject, in the general railroad law.

Very respectfully,

EDMUND J. DAVIS, Governor.

On motion of Mr. Evans, the veto message of the Governor and House bill No. 408 were laid on the table.

GOVERNOR'S OFFICE, }
Austin, May 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: I return to the House of Representatives, where it originated, the act entitled "An act authorizing and regulating the sale of the university lands."

A similar bill was enacted at the last session of the Legislature, which I felt compelled to return because of objectionable features contained in it. The act now under consideration is largely liable to the same objections. It is the opinion of the Attorney General, coincided in by myself, that the University of Texas, a corporation now established by law, should have the control of these lands. But, however this may be considered by the House, I have no doubt that it is not advisable now to force a sale of these lands. The State is filling up rapidly with population, and lands are rising in value. They, if put upon the market at the present time, will not bring a fifth part of what we may reasonably expect to be their value within five or six years. What necessity is there for haste in selling them? The university is not demanding funds, nor does the pressure to sell come from any person interested in that institution. A magnificent endowment for the university is certainly to be realized from these lands, if carefully and discreetly managed.

Very respectfully,

EDMUND J. DAVIS, Governor.

Mr. Cole moved to postpone the consideration of House bill No. 322 and the Governor's veto message until Wednesday next at 11 o'clock A. M. Lost.

Mr. Johnson moved to refer the Governor's veto message and the bill to a select committee of three. Lost.

The question then recurred "Will the House, on reconsideration, agree to pass the bill?" the House refused to pass the bill by the following vote:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Cole, George, Harn, Haswell, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Morrison, Moore of Red River, Patton, Pierson, Plumley, Robertson, Ross, Schlickum, Schutze, Self, Shoemaker, Simmons, Smyth, Tegener, Van Noy, Weaver, Young—32.

Nays—Messrs. Richard Allen, Camp, Chambers, Cotton, Davis, Dorris, Dupree, Evans, Franks, Gardiner, Gaston, Grothaus, Hamilton, Hawkins, Johnson, Kendall, Locke, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Moore of Harrison, Robb, Schlotman, Sheriff, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—33.

GOVERNOR'S OFFICE, }
Austin, May 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return to the House of Representatives, where it originated, the act entitled "An act to organize and incorporate the Austin and Red River Railroad Company."

This act is objectionable in several very important respects—
1. It gives, in section two, the right to branch in any direction, without limit to the number of branches, the direction or length of the branches, or the time within which those branches are to be completed.

2. It exempts all the property of the company from taxation of whatever description, State, county and municipal, during the time of construction of said railway and telegraph line, and *the branches thereof*." Now, as there is no limit fixed for the construction of the branches, it follows that the exemption from taxation may continue for all time to come.

There should be no more exemptions from taxation. It seems that legislation, in that direction, has gone just as far as safe policy will permit, and it is to be remembered that other companies set up claims to these exemptions under clauses in their respective charters giving them the same "immunities," etc., as enjoyed by any other road. There are several roads which contain this general clause.

3. It provides, in the body of the act, for the construction of a "telegraph line," but this purpose is not set forth in the title, and

is therefore repugnant to section seventeen of article twelve of the Constitution.

Very respectfully,

EDMUND J. DAVIS, Governor.

The question being "will the House on reconsideration agree to pass the bill" (House bill No. 526). The House refused to pass the bill by the following vote:

Yeas—Messrs. Austin, Booty, Chambers, Cole, Jenkins, Kyle, Lacy, Leonard, McLean, Miller, Moore of Harrison, Pierson, Posey, Robertson, Ross, Smyth, Tegener—17.

Nays—Messrs. Abbott of Austin, Richard Allen, Bonner, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, Gaston, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Lane, Locke, Lorange, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morrison, Moore of Red River, Patton, Plumley, Robb, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Stockbridge, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Zapp, Zoeller—45.

GOVERNOR'S OFFICE, {
Austin, Oct. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return to the House of Representatives where it originated, the act entitled "An act to amend an 'act entitled an act to incorporate the Belton Bridge Company,' approved April 12, 1871" and ask that the same be reconsidered.

This act is objectionable in respect that it proposes to close up all natural fords on the Leon river within three miles of the Belton bridge, so as to force travelers and freight to cross said river on that bridge. I think this effect of the act must have been overlooked by the Houses. It seems to me that such provision is an unconstitutional interference with private rights.

Very respectfully,

EDMUND J. DAVIS, Governor.

Mr. Miller moved to lay the Governor's veto message and the bill (House bill No. 698) on the table. Lost.

Mr. Morrison moved to refer the bill to a select committee of three. Lost.

A message was received from the Senate returning House bill No. 750, which had been passed by that body, and transmitting for the concurrence of the House Senate bill No. 504. Also, for the signature of the Speaker enrolled Senate bills Nos. 498, 369 and 458, which were signed by the Speaker.

The question being "Will the House on reconsideration agree to

pass House bill No. 698?" The House refused to pass the bill by the following vote:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Harn, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Pierson, Posey, Robb, Robertson, Schlotman, Self, Simmons, Smyth, Van Noy, Weaver, Young—31.

Nays—Messrs. Abbott of Austin, Richard Allen, Bonner, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, Gaston, Grothaus, Haswell, Kendall, Locke, Medlock, Moore of Harrison, Patton, Plumley, Ross, Schlickum, Sheriff, Shoemaker, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—31.

GOVERNOR'S OFFICE,
Austin, May 22, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return to the House of Representatives, where it originated, so much of the act entitled "An act making appropriations for the support of the State Government for deficiencies for the fiscal year ending August 31, 1871, and for the fiscal year beginning September 1, 1871," as is embraced under the head of "miscellaneous" within the following items, viz.:

"DEFICIENCIES.

"For pensions granted under act of August 13, 1870, \$100,816 98

"For 1872—For pensions granted under act of August 13, 1870, \$124,000."

These two items are objectionable because, though large and extravagant to a degree, they are only part of what the State will be bound for if said act, granting pensions of August 13, 1870, receives any recognition under the present understanding of its terms, and because our State finances will not permit this excessive liberality.

When the said act was passed, which was at the close of the last session, and when business was being hurried through without much scrutiny, the Legislature evidently, from the appropriation contained in the act, believed that ten thousand dollars would cover the annual expenditure thereunder. But the loose terms used are found to let in, for a pension of \$250 to \$500, everybody who was in any way connected with the military service of Texas from the year 1835 up to the close of the Mexican war by the peace of Guadalupe Hidalgo in 1848, or for upwards of thirteen years. Already the number of applicants are reported to me by the Comptroller at six hundred and eleven, and when we consider that even those Texans who were in the

United States service during the Mexican war may come in under the terms of this act, it is not unreasonable to estimate that the number of pensioners may ascend to four or five thousand men, and call for a million and a half dollars per annum to pay them.

An act framed so as to secure a moderate pension to indigent or disabled persons, who served the State at that time, would be unobjectionable, but this one is more than we can bear. I do not think we can afford to go further in this direction than the rich Government of the United States has done.

At any rate, if it is insisted that the act as it at present stands shall be provided for, then I suggest the appropriation of this large sum should not be charged as "for the support of the State Government," which is by no means the case, but that a special tax be provided therefor, so that the people who have to pay it may know exactly how much their generosity costs.

Very respectfully,

EDMUND J. DAVIS, Governor.

The question being "Will the House, on reconsideration, pass such parts of the bill as had been vetoed by the Governor?" the House refused to pass the same by the following vote:

Yeas—Messrs. Austin, Camp, Chambers, Cole, Gaston, Harn, Jenkins, Johnson, Kyle, Lane, Leonard, McLean, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Schutze, Simmons, Slaughter, Smyth, Spencer, Weaver, Zapp—25.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Booty, Bonner, Cotton, Cox, Dorris, Dupree, Evans, Franks, Gardiner, George, Hawkins, Kendall, Lacy, Locke, McKee of Guadalupe, McKee of Fannin, Medlock, Morrison, Moore of Harrison, Patton, Robinson, Ross, Schlickum, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—37.

Also, the following communications:

HEADQUARTERS STATE OF TEXAS, }
OFFICE OF ADJT. GEN. AND CHIEF OF POLICE, }
Austin, Texas Oct. 3, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I have the honor to acknowledge the receipt on the 30th, ult., of a resolution passed by the House of Representatives State of Texas, requiring James Davidson, Adjutant General and Chief of Police, "to furnish a statement of the amount of money collected by way of fines and taxes or penalties in the counties of Hill and Walker while said counties were under martial law, and also a state-

ment in detail of the expenditure and disposition of the same;" and in reply would respectfully enclose the following papers:

Copy of account current of Captain A. D. Evans, paymaster, State of Texas, showing the amount of fines collected in Hill county, January 17, 1871, exhibit marked A. Copy of abstract of disbursements, in detail, by Captain A. D. Evans, paymaster, State of Texas, on account of Hill county (martial law), exhibit marked B. Copy of statement of receipts (fines and taxes) and expenditures collected and disbursed by James Davidson, Adjutant General, in Walker county, Texas, exhibit marked C. The original of the above mentioned accounts are filed in the Comptroller's office. I also enclose a statement (marked D) of claims against Walker county, which, so far, have not been paid for lack of funds.

I would also state, for the information of your honorable body, that General James Davidson has paid out of his private funds some claims against Hill and Walker counties, the amount of which cannot be exactly stated during his absence, as the vouchers are filed in his safe.

I have the honor to be, very respectfully, your obed't serv't,
HENRY ORSAY, Chief Clerk.

On motion of Mr. Harn, the communication was referred to a select committee of three.

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS,
Austin, October 17, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: In response to a resolution by the House of Representatives, State of Texas, requiring the Comptroller to furnish said body with a statement of the vouchers filed in his office by James Davidson, as his report of expenditures of moneys collected by way of fines and penalties in the counties of Hill and Walker, while said counties were under martial law, I have the honor to transmit herewith copies of said papers and vouchers as filed in this office, as follows, viz:

Account current of Alfred D. Evans, Paymaster State of Texas, on account of fines collected during existence of martial law in Hill county, Texas; and expenditures on account of same—marked "A."

Copy of abstract of disbursements on account of martial law in Hill county, Texas, by Alfred D. Evans, Paymaster State of Texas,—marked "B," with accompanying vouchers numbered one (1) to fifteen (15).

Account current of moneys collected and disbursed on account of

martial law in Walker county, Texas, by James Davidson, Adjutant General State of Texas—marked "C," with copies of forty-one accompanying vouchers—one (1) to forty-one (41).

I am, sir, very respectfully, your obedient servant,

A. BLEDSOE, Comptroller.

OFFICE OF COMPTROLLER OF PUBLIC ACCOUNTS, }
Austin, September 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: In answer to your request of this date, asking that I furnish copy of accounts audited and paid on account of making repairs and additions to the public buildings, the property of the State at Austin, I will say that as soon as they can be made out they will be forwarded to you.

Very respectfully your obedient servant,

A. BLEDSOE, Comptroller.

On motion of Mr. Robertson the communications were referred to the same committee.

SENATE MESSAGES.

On motion of Mr. R. Allen, the House agreed to the Senate amendments to House bill No. 63:

Mr. McLean moved that the House adjourn until 10 o'clock A. M. Monday, upon which the yeas and nays were called for and resulted as follows:

Yeas---Messrs. Booty, Chambers, Cole, Hawkins, Jenkins, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Robb, Robertson, Ross, Schlickum, Simmons, Smyth, Spencer, Tegener, Van Noy, Weaver, Young—23.

Nays---Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Camp, Cotton, Cox, Dorris, Dupree, Evans, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Johnson, Kendall, Kyle, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Pierson, Posey, Robinson, Schlotman, Schutze, Self, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—44.

So the House refused to adjourn.

Mr. Locke moved the adoption of the following Senate amendment to House bill No. 298: "Amend by adding to section two the following, 'upon their gymnastic exercises or social entertainments of pleasure.'"

Mr. Grothaus moved a call of the House. Call sustained.

Absent, not excused—Messrs. H. R. Allen, Bonner, Burley, Davis, Ellis, Haswell, Lorange, Lyons, Prissick.

Mr. B. F. Williams, moved that the House adjourn until 10 o'clock, A. M. Monday, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Van Noy, Weaver, Young—29.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dorris, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—39.

So the House refused to adjourn.

On motion of Mr. Chambers, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Slaughter moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Camp, Cotton, Cox, Dorris, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Shoemaker, Spencer, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—37.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Morrison, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Self, Sheriff, Simmons, Slaughter, Smyth, Tinsley, Van Noy, Weaver, Young—31.

So the call was suspended.

Mr. Robertson moved that the House adjourn until 10 o'clock A. M. Monday, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Van Noy, Weaver, Young—30.

Nays—Messrs. Richard Allen, Cotton, Cox, Dorris, Dupree,

Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—37.

So the House refused to adjourn.

Mr. R. L. Moore moved a call of the House. Call sustained.

Absent, not excused—Messrs. H. R. Allen, Bonner, Burley, Camp, Davis, Ellis, Evans, Haswell, Lorange, Lyons, Prissick and Ross.

Mr. Slaughter moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Chambers, Cole, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Smyth, Van Noy, Weaver, Young—20.

So the call was suspended.

Mr. Slaughter moved the previous question. Previous question seconded.

The question being, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Hawkins, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—40.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Van Noy, Weaver—26.

So the main question was ordered.

The main question being on the adoption of the Senate amendment to House bill No. 298, it was adopted.

Mr. R. Allen moved the adoption of the following Senate amendment to House bill No. 320: Amend section two, line seven, by inserting the words "on conviction" after the word "punished."

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM, }
Austin, Oct. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor, for his approval, the following House bills: No. 726, "An act to authorize Howard Keys and his associates to construct a toll bridge across Lake Fork of Sabine River;" No. 812, "An act to incorporate the Colorado Fire Company No. 2 of the city of Austin;" No. 731, "An act to amend section one of an act entitled 'an act to encourage stockraising and for the protection of stockraisers,' approved May 22, 1871;" No. 704, "An act to incorporate the Yorktown Fire Company No. 1 of the town of Yorktown in the county of DeWitt;" No. 28, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856;" No. 549, "An act to incorporate Scyene Masonic Male and Female Institute;" No. 696, an act to be entitled "An act to regulate the times of holding courts in the Eleventh Judicial District."

F. E. GROTHAUS, Chairman, *pro tem.*

COMMITTEE ROOM, }
Austin, Oct. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval, the following House bills, to-wit: No. 746, "An act to incorporate the Texas Land and Immigration Company;" No. 673, "An act to authorize the County Court of Upshur county to levy a special tax for the corporation of the court house in said county."

GEO. T. HASWELL, Chairman.

Reports accepted.

Mr. R. L. Moore moved a call of the House. Call sustained.

Absent, not excused—Messrs. H. R. Allen, Bonner, Burley, Davis, Ellis, Evans, Haswell, Lorange, Lyons, Prissick and Ross.

Mr. Hawkins moved that the House adjourn until 10 o'clock A. M. Monday next, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Gaston, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Smyth, Van Noy, Weaver, Young—32.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, Grothaus, Hamilton, Harn, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—33.

So the House refused to adjourn.

Mr. Franks moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin Zapp, Zoeller—39.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Van Noy, Weaver—26.

So the call of the House was suspended.

Mr. Franks moved the previous question. Previous question seconded.

The question being, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Mr. Speaker, Abbott of Austin, Richard Allen, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—37.

Nays—Messrs. Abbott of Hill, Austin, Booty, Cole, Gaston, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Pierson, Posey, Robb, Ross, Self, Simmons, Smyth, Van Noy, Weaver, Young—23.

So the main question was ordered.

The main question being the adoption of Senate amendment to House bill No. 320, it was adopted.

Mr. Plumley moved the adoption of the following Senate amendment to House bill No. 728, to be entitled "An act to incorporate the Washington Steam Fire Company No. 1, of Galveston," viz: "to strike out section six."

Mr. Johnson moved that the House adjourn until 10 o'clock A. M., Monday next, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Austin, Cole, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Johnson, Kyle, Lacy, Lane, Leonard, Locke, McKee of Fannin, McLean, Medlock, Pierson, Robb, Robinson, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer Stockbridge, Tegener, Tinsley, Van Noy, Weaver Williams of Colorado, Young, Youngkin, Zoeller—40.

Nays—Messrs. Richard Allen, Cotton, Cox, Dorris, Dupree, Harn, Jenkins, Kendall, McKee of Guadalupe, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Williams of Walker, Zapp—16.

So the House at 2 o'clock P. M. adjourned until 10 o'clock A. M. Monday next.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 23, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Burley, the reading of Saturday's journal was dispensed with.

UNFINISHED BUSINESS,

Viz: the business on the Speaker's table.

The question pending on Saturday, at adjournment, was upon the following Senate amendment to House bill No. 728, to be entitled "An act to incorporate the Washington Steam Fire Engine Company No. 1, of Galveston," viz: strike out section six.

On motion of Mr. Sinclair, the House agreed to the Senate amendment.

House joint resolution No. 8, "Joint resolution for the relief of

certain parties therein named," was read the third time, passed, and its title agreed to.

House joint resolution No. 18, to be entitled "Joint resolution proposing an amendment to article XIX of the Constitution of the State of Texas," was then read the third time, passed, and its title agreed to.

House joint resolution No. 28, "Joint resolution to defray the expenses of printing the reports of all officers who are required to report to the Governor, or the Legislature, by section five of 'an act regulating public printing,'" was then read the third time and passed by the following vote:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Derris, Dupree, Evans, Franks, Gardiner, George, Hamilton, Haswell, Kendall, Lacy, Lane, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—50.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Gaston, Hawkins, Jenkins, Kyle, Leonard, McLean, Miller, Moore of Red River, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth—20.

On motion of Mr. Schutze the title was amended by inserting after the word "printing," the words "approved August 13, 1870." And as amended it was agreed to.

House bill No. 302, to be entitled "An act to prohibit the sale of spirituous or vinous liquors within three miles of Rockwall Institute, in Kaufman county, Texas," was then read the third time, passed and its title agreed to.

House bill No. 22, to be entitled "An act to incorporate the Greenville Masonic and Odd Fellows' University at Greenville, Hunt county, Texas," was then read the third time, passed and its title agreed to.

House bill No. 339, to be entitled "An act to incorporate the Trespacios and Red River Railroad Company of Texas," was then read the third time, passed and its title agreed to.

House bill No. 368, to be entitled "An act to incorporate the Texas State Medical Association," was then read the third time, passed and its title agreed to.

House bill No. 369, to be entitled "An act to incorporate the Southwestern Forwarding and Express Company," was then read the third time, passed and its title agreed to.

House bill No. 380, to be entitled "An act to incorporate the Jefferson, Dallas and Brazos Railroad Company," was then read the third time, passed and its title agreed to.

House bill No. 407, to be entitled "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers," was then read the third time.

The Chief Clerk was dispatched to the Senate to inform that body that the House had agreed to the Senate amendments to the following House bills: Nos. 63, 298, 320 and 728.

Also, returning to the Senate the following enrolled Senate bills, which had been signed by the Speaker of the House while in open session, viz: Senate bills Nos. 369, 458 and 498.

On motion of Mr. Evans, House bill No. 407 was referred to a special committee of three, with leave to report at any time.

The Chair appointed as such committee Messrs. Evans, Franks and Robertson.

House bill No. 441, to be entitled "An act to incorporate the Jefferson Hook and Ladder Company No. 1, of the city of Jefferson," was then read the third time, and on motion of Mr. Morris, was laid on the table.

House bill No. 478, to be entitled "An act to quiet land titles in the counties of Refugio and San Patricio, formerly embraced in Power & Hewitson's colony, and to relieve persons holding the same," was then read the third time, and the House refused to pass the same by the following vote, the yeas and nays having been called for:

Yeas—Messrs. H. R. Allen, Austin, Camp, Cotton, Dorris, Dapree, Grothaus, Hamilton, Haswell, Johnson, Kendall, Moore of Harrison, Pierson, Plumley, Robertson, Schlickum, Schutze, Simmons, Slaughter, Tegener, Williams of Walker, York, Young, Zapp—24.

Nays—Messrs. Abbott of Hill, Richard Allen, Booty, Bonner, Burley, Chambers, Cole, Cox, Davis, Ellis, Evans, Franks, Gardiner, George, Gaston, Harn, Hawkins, Jenkins, Kyle, Leonard, Locke, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Morris, Morrison, Moore of Red River, Patton, Robb, Robinson, Schlotman, Self, Sheriff, Shoemaker, Smyth, Stockbridge, Van Noy, Williams of Colorado, Youngkin, Zoefler—43.

House bill No. 480, to be entitled "An act to amend an act entitled 'an act defining the homestead and other property exempt from forced sale in this State,' approved August 15, 1870," was then read the third time, passed and its title agreed to.

House bill No. 511, to be entitled "An act to incorporate the Thomaston Grain Mills, Cotton Gin and Manufacturing Company," was then read the third time, passed and its title agreed to.

House bill No. 517, to be entitled "An act to exempt certain property from taxation," was then read, and on motion of Mr. McLean it was laid on the table.

House bill No. 532, to be entitled "An act to incorporate the Garden Valley Seminary," was then read the third time, passed and title agreed to.

House bill No. 533, to be entitled "An act to prevent the issuance of patents upon certificates unless properly authenticated," was then read the third time, passed and its title agreed to.

House bill No. 535, to be entitled "An act to amend the first section of 'an act to authorize clerks of the district courts, their deputies and notaries public, to take acknowledgment of deeds and other written instruments,' approved August 8, 1870," was then read the third time, passed, and its title agreed to.

House bill No. 538, to be entitled "An act prescribing the manner of selling lands where the same are owned jointly with others whose lands are not to be sold," was then read the third time, passed, and its title agreed to.

House bill No. 540, to be entitled "An act to protect persons assembled for religious worship," was then read the third time and recommended to the Committee on Judiciary.

House bill No. 542, to be entitled "An act to incorporate the Brazos Navigation Company," was then read the third time.

Mr. Johnson moved to amend section one by inserting, as one of the incorporators, the name of "Charles E. Bateman." Lost.

House bill No. 542 was then passed and its title agreed to.

House bill No. 545, to be entitled "An act declaratory of the force and effect of proclamations by the Governor, declaring martial law and suspending the laws within any county or counties in this State, because of combinations of lawless men too strong for the control of the civil authority, issued in conformity with the provisions of the twenty-sixth and twenty-seventh sections of the act entitled 'an act to provide for the enrollment of the militia, the organization and discipline of the State Guard, and for the public defense,' approved June 24, 1870, and also regulating the manner of issue and the publication of such proclamations," was then read the third time.

On motion of Mr. Schutze, House bill No. 545 was recommended to the Committee on Militia.

House bill No. 552, to be entitled "An act further regulating juries," was then read the third time, passed, and its title agreed to.

Mr. Evans, chairman of the select committee on House bill No. 407, to be entitled "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers," submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 23, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The select committee to whom was referred House bill No. 407, entitled "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers," have had the same under consideration and report it back to the House with the recommendation that it pass with the following amendment to section one: "*Provided*, that no settlement made by the Comptroller under the provisions of this act, shall be conclusive until a full statement of the facts upon which the settlement is based shall have been submitted to the Attorney General of the State, and the settlement proposed by the Comptroller have received the approval of the Attorney General."

In the opinion of the Committee, the proposed amendment is necessary to insure proper scrutiny in the proposed settlements, and sufficient legal advice as to the necessity or advisability of the same.

Respectfully,

IRA H. EVANS, Chairman.

F. G. FRANKS,

J. W. ROBERTSON.

On motion of Mr. Evans the amendment submitted by the committee was adopted.

House bill No. 407 as amended was then passed and its title agreed to.

By unanimous consent Mr. Schultze offered the following resolution:

Resolved, That the use of this Hall be granted for the purpose of giving a ball in aid of the Chicago sufferers on Friday evening next.

Resolution read first and second times.

Mr. Schutze moved the adoption of the resolution, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Booty, Bonner, Camp, Chambers, Dorris, Evans, Gardiner, Grothaus, Harn, Haswell, Jenkins, Johnson, Kyle, Lacy, Locke, McLean, Miller, Morrison, Patton, Pierson, Plumley, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shoemaker, Simmons, Slaughter, Smyth, Tegener, Tinsley, Young, Youngkin, Zoeller—37.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Burley, Cole, Cotton, Cox, Dupree, Ellis, Franks, George, Gaston, Hamilton Hawkins, Kendall, Lane, Leonard, Lorance, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell,

Morris, Moore of Harrison, Robb, Robinson, Sheriff, Stockbridge, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Zapp—36.

So the resolution was adopted.

By unanimous consent, Mr. Tegener offered the following resolution :

Resolved, That the special committee appointed to examine into the official acts of the Comptroller and Treasurer of the State, be allowed to engage the services of one clerk at five dollars per day.

Resolution read the first and second times.

On motion of Mr. Evans, it was amended by adding, for such a number of days as the services of a clerk may be actually necessary." And as amended it was adopted.

House bill No. 563, to be entitled "An act to authorize the employment of interpreters and translators, in certain cases therein mentioned," was read the third time, passed and its title agreed to.

House bill No. 564, to be entitled "An act to amend sections thirty and thirty-one of 'an act to organize courts of justices of the peace and county courts, and define their jurisdiction and duties,' approved August 13, 1870," was read the third time, and on motion of Mr. Evans it was recommitted to the Judiciary Committee.

House bill No. 567, to be entitled "An act to incorporate the Texas Joint Stock-Home Building Association, of the city of Houston," was read the third time, passed and its title agreed to.

House bill No. 569, to be entitled "An act defining tenancies and prescribing how they shall be terminated," was read the third time.

On motion of Mr. McLean, section one was amended by striking out the word "landlord" and inserting in lieu thereof the words "owner or agent."

On motion of Mr. McLean, section six was amended by striking out the word "landlord" wherever it occurs and inserting in lieu thereof the word "lessor."

On motion of Mr. Robertson, the bill was amended by striking out "landlord," wherever it occurs, and insert "owner, agent, or lessor;" also, strike out "tenant," wherever it occurs, and insert "tenant or lessee."

On motion of Mr. Evans, section thirteen was amended by striking out the words "its passage," and inserting in lieu thereof the words "the first day of January. A. D. 1872."

A message was received from the Senate, transmitting for the signature of the Speaker of the House the following enrolled Senate bills: Nos. 148, 467 and 468, which were signed by the Speaker and returned to the Senate.

House bill No. 569 was then passed and its title agreed to.

Mr. Lane presented a petition from the citizens of Dallas county for ferry privileges at "Dowley's Ferry" on the Trinity river, which was read and referred to the Committee on Roads, Bridges and Ferries.

House bill No. 572, to be entitled "An act to increase the fees of sheriffs for the transportation of prisoners to the State penitentiary," was read the third time, passed and its title agreed to.

House bill No. 585, to be entitled "An act to incorporate the Manual Labor School of Texas," was read the third time, passed and its title agreed to.

House bill No. 590, to be entitled "An act regulating practice in the Supreme Court," was read the third time, passed and its title agreed to.

House bill No. 591, to be entitled "An act to define and punish disturbers of the peace," was read the third time, and on motion of Mr. Plumley, it was referred to a select committee composed of Messrs. Hawkins, Plumley and Schutze.

House bill 593, to be entitled "An act further regulating and defining the jurisdiction of the district courts of this State," was read the third time, passed and its title agreed to.

House bill No. 595, to be entitled "An act to incorporate the Houston Tannery and Manufacturing Company," was read the third time, passed and its title agreed to.

House bill No. 607, to be entitled "An act to amend section three of 'an act to organize the courts of justices of the peace and county courts and to define their jurisdiction and duties,' approved August 13, 1870," was read the third time, passed and its title agreed to.

The Chief Clerk was dispatched to the Senate with the following bills and joint resolutions which had been passed by the House: House joint resolutions Nos. 8, 18 and 28, House bills Nos. 22, 302, 329, 368, 369, 380, 480, 517, 532, 533, 535, 538 and 542, asking the concurrence of that body therein.

House bill No. 617, to be entitled "An act to incorporate the Banking, Insurance and Mutual Aid Association of Texas," was read the third time, passed, and its title was agreed to.

House bill No. 625, to be entitled "An act giving the Governor access to and authority to examine books, papers and records in the offices of the various departments, and also authorizing him to withdraw such from file in certain contingencies," was read the third time.

On motion of Mr. Evans, the consideration of House bill No. 625 was postponed and made the special order for 12 o'clock M., this day.

House bill No. 628, to be entitled "An act to authorize and require the County Court of Burleson county to levy and collect a special tax for the purpose of building a court house and jail," was read the third time.

On motion of Mr. Franks, the bill was amended by striking out the word "required" wherever it occurs and inserting in lieu thereof the word "empowered;" House bill No. 628 then passed, and on motion of Mr. Franks, the title was amended by striking out the word "require" and inserting in lieu thereof the word "empower," and as amended it was agreed to.

By unanimous consent, Mr. Lacy introduced a bill (House bill No. 825) to be entitled "An act making an appropriation to meet deficiencies, for the fiscal year ending 31st August, 1871, and the fiscal year ending 31st August, 1872," which was read the first time.

On motion of Mr. Schutze, the rules were suspended and House bill No. 825 was read the second time and referred to the Committee on Finance.

House bill No. 639, to be entitled "An act supplementary to the different acts providing for the authentication and registry of deeds and other instruments of writing, and providing for making certified copies of deeds and other instruments of writing, evidence in the various courts of this State," was read the third time, passed, and its title agreed to.

Mr. J. F. McKee moved that the House adjourn until 3 o'clock P. M. Lost.

House bill No. 652, to be entitled "An act for the relief of Edward De Laney," was read the third time, passed, and its title agreed to.

House bill No. 653, to be entitled "An act to punish certain offenses committed on Sunday" was read the third time, and on motion of Mr. Schutze the further consideration thereof was postponed and made the special order for Thursday next at 11 o'clock A. M.

12 o'clock M.

SPECIAL ORDER,

Viz: The consideration of House bill No. 625.

On motion of Mr. Evans section one was amended by adding thereto, "and properly authenticated copies of all papers and records which may be permanently withdrawn under the provisions of this act shall be made and filed in the office of the department from which the same are withdrawn."

House bill No. 625 then passed by the following vote, the yeas and nays having been called for :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Evans, Franks, Gardiner, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Spencer, Tinsley, Van Noy, Williams of Walker, York, Zapp, Zoeller—36.

Nays—Messrs. Abbott of Hill, Austin, Bonner, Chambers, Ellis, George, Gaston, Jenkins, Lacy, Lane, Leonard, Lorange, McKee of Guadalupe, McLean, Miller, Pierson, Robb, Robertson, Ross, Self, Simmons, Slaughter, Smyth, Weaver, Young—25.

House bill No. 712, to be entitled "An act to validate the acts of deputies of justices of the peace," was read the third time, passed and its title was agreed to.

House bill No. 713, to be entitled "An act to incorporate the Buffalo Warehouse and Compress Company," was read the third time.

On motion of Mr. Schutze, the name of J. E. Whittlesey was inserted as one of the incorporators.

House bill No. 713 was then passed and its title agreed to.

House bill No. 724, to be entitled "An act authorizing and requiring the Surveyor of Dallas county to transcribe certain records of his office and to make a general index," was read the third time, passed and its title was agreed to.

House bill No. 730, to be entitled "An act relative to the assessment and collection of taxes for school purposes, in the several districts of the State, and regulating the expenditures of moneys arising from the same," was read the third time.

On motion of Mr. Evans, section one was amended by adding the following proviso: "*Provided*, that nothing contained in this section shall be construed as relating to or in any manner affecting one-fourth of the general revenue required by the Constitution to be set apart annually for the benefit of public schools."

House bill No. 730 then passed and its title was agreed to.

House bill No. 737, to be entitled "An act to establish a ferry across the Sabine river at Mann's Bluff, in the county of Panola," was read the third time, passed and its title agreed to.

House bill No. 742, to be entitled "An act to incorporate the Richmond Bridge Company," was read the third time, passed and its title agreed to.

House bill No. 749, to be entitled "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association of Bryan, Texas," was read the third time, passed, and its title was agreed to.

By unanimous consent, Mr. Gaston introduced a bill (House bill No. 826) to be entitled "An act to relieve Luther White, of Cherokee county, from paying occupation taxes," which was read the first time.

By unanimous consent, the rules were suspended, House bill No. 826 read the second time and referred to the Committee on Finance.

On motion of Mr. Lacy the House, at 1 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 24, 1871. }

House met pursuant to adjournment. Speaker Sinclair* in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

On motion of Mr. Morrison, the use of the Hall was granted to the Hon. J. W. Flanagan on next Thursday evening.

Mr. Slaughter moved to grant the use of the Hall to Mr. Farr, for the purpose of lecturing, on next Tuesday evening.

Mr. Ross moved a reconsideration of the vote by which the House granted the use of the Hall on Friday evening next, for the purpose of giving a ball.

Mr. Evans moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Booty, Chambers, Evans, Gardiner, Harn, Haswell, Jenkins, Johnson, Kyle, Lacy, McLean, Moore of Red River, Plumley, Robertson, Shoemaker, Simmons, Smyth, Tegener, Williams of Colorado, Young, Youngkin, Zoeller—22.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Cox, Dorris, Dupree, Franks, George, Grothaus, Hamilton, Hawkins, Kendall, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robb, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Slaughter, Spencer, Stockbridge, Tinsley, Van Noy, Weaver, Williams of Walker, York, Zapp—47.

So the House refused to lay the motion to reconsider on the table.

The question recurring, "Will the House reconsider the vote by which the use of the hall was granted for the purpose of giving a ball?" the House decided to reconsider.

The Chair laid before the House the following communication:

INSTITUTION FOR THE DEAF AND DUMB,
AUSTIN, Texas, Oct. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

DEAR SIR: I will avail myself of the use of the Hall granted by a resolution of the House for an examination of the pupils of the Institution for the Deaf and Dumb, on Wednesday, October 25, at 8 o'clock P. M., if it should suit the convenience of the House.

Very respectfully, your, etc.,

J. VAN NOSTRAND, Superintendent.

UNFINISHED BUSINESS,

Viz: The business on the Speaker's table.

Bills and joint resolutions on their second reading:

Senate joint resolution No. 14, "Joint resolution instructing our Senators and requesting our Representatives in Congress to obtain an extension of time of act of Congress approved July 2, 1862, with amendment approved July 23, 1866," was read the second time and referred to the Committee on Agriculture and Stockraising.

Senate bill No. 221, to be entitled "An act to enforce compliance by public carriers with the provisions of section twenty-one, article one, of the Constitution," was read the second time, and on motion of Mr. Morris it was laid on the table.

House bill No. 80, to be entitled "An act to provide for a bounty for Texas volunteers who served in the United States army during the late rebellion," was read and recommitted to the Committee on Federal Relations.

House bill No. 177, to be entitled "An act to amend 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection of the ballot box,'" was then read.

Mr. Morris moved to recommit House bill No. 177 to the Committee on Privileges and Elections, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Haswell, Johnson, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, York, Youngkin, Zoeller—41.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Evans, Gaston, Grothaus, Harn, Hawkins, Jenkins, Lacy, Lane, Leonard, McKee of Fannin, McLean, Moore of Red River, Robb, Robertson, Ross, Self, Simmons, Smyth, Weaver, Young, Zapp—26.

So House bill No. 177 was recommitted.

House bill No. 184, to be entitled "An act to authorize the Commissioner of the General Land Office to issue land certificates and warrants in certain cases," was read, and on motion of Mr. Jo. Abbott, it was recommitted to the Committee on Public Lands and Land Office.

House bill No. 329, to be entitled "An act to incorporate the Union Publishing Company of Texas," was read and recommitted to the Committee on Printing and Contingent Expenses.

House bill No. 521, to be entitled "An act to promote the foreign trade and commerce of Texas, and to secure to the citizens of Texas the business of the States west of the Mississippi river, by promoting the speedy construction of continuous lines of railway of a uniform gauge to the Gulf ports of this State," was read, and on motion of Mr. R. Allen, was indefinitely postponed.

House bill No. 523, to be entitled "An act to prohibit taxation on the sale of religious and moral works," was read the second time.

Mr. Robinson moved to lay House bill No. 523 on the table. Lost.

The Chief Clerk was dispatched to the Senate with the following House bills which the House had passed, viz: Nos. 552, 563, 567, 572, 585, 590, 593, 595, 607, 617, 625, 639, 652, 712, 724, 737, 742 and 749, asking the concurrence of that body thereto.

Mr. Austin moved a suspension of the rule requiring all bills on their second reading to be referred to committees, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Bonner, Camp, Chambers, Cole, Cox, Dupree, Ellis, Evans, Franks, Gaston, Harn, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, McKee of Guadalupe, McLean, Morris, Moore of Red River, Pierson, Plumley, Robb, Robertson, Robinson, Ross, Schlotman, Self, Sheriff, Simmons, Slaughter, Smyth, Tinsley, Van Noy, Weaver, Williams of Colorado, York, Young, Zapp—45.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dorris, Gardiner, Grothaus, Hamilton, Haswell, Kendall, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Schutze, Shoemaker, Stockbridge, Tegener, Williams of Walker, Youngkin, Zoeller—22.

So the rules were suspended.

Mr. Robinson moved to insert after the word "pictures" the words "wax works, or Turn Vereins." Lost

11 o'CLOCK A. M.

SPECIAL ORDER,

Viz: The Governor's messages, vetoing Senate bill No. 274, to be entitled "An act for the relief of the heirs of Charles G. Bryant, deceased," and Senate bill No. 275, to be entitled "An act for the relief of the heirs of Andrew Jackson Bryant, deceased."

Mr. Austin moved the special order be postponed until the bill now under consideration be disposed of, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Bonner, Cole, Dupree, Ellis, Franks, Gardiner, George, Hawkins, Jenkins, Kendall, Lane, Leonard, McKee of Fannin, McLean, Morrison, Moore of Harrison, Pierson, Robb, Robertson, Ross, Schlotman, Self, Simmons, Slaughter, Smyth, Spencer, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin—36.

Nays—Messrs. Richard Allen, Booty, Chambers, Cotton, Dorris, Evans, Gaston, Grothaus, Hamilton, Johnson, Kyle, Lacy, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Red River, Patton, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Tinsley, York, Zapp—28.

So the special order was postponed.

Mr. Morris moved to commit House bill No. 523 to the Committee on State Affairs. Lost.

On motion of Mr. Austin, House bill No. 523 was amended by striking out the words "traveling and" wherever they occur.

On motion of Mr. Schutze, House bill No. 523 was referred to the Committee on Judiciary.

SPECIAL ORDER—Resumed.

A message was received from the Senate transmitting, for concurrence of the House, Senate bills No. 443, to be entitled "An act explanatory of the tax laws of the State of Texas, and to avoid double taxation;" and No. 472, "An act to incorporate the Texas European Steamship and Land Company."

Also, returning House bill No. 776, to be entitled "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871," which had been passed by that body with amendment; and House concurrent resolu-

tion No. 12, in relation to adjournment, also passed with amendment.

Mr. Evans moved that the consideration of Senate bills Nos. 274 and 275 be postponed until Friday next, at 11 o'clock A. M., and that it be made the special order for that time, and that the bills and evidence be printed.

Mr. Morris called for a division of the question.

The House refused to order the printing.

On motion of Mr. Evans, the House reconsidered the vote by which the House refused to order the printing of Senate bills Nos. 274 and 275, and the evidence accompanying the petition relating thereto.

The question recurring, "Will the House, on reconsideration, order the bills and the evidence to be printed?" the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Booty, Bonner, Cox, Dorris, Ellis, Evans, Franks, Gardiner, George, Grothaus, Haswell, Johnson, McLean, Pierson, Robb, Robertson, Schlickum, Schlotman, Self, Smyth, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Youngkin—25.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Camp, Chambers, Cole, Cotton, Dupree, Gaston, Hamilton, Harn, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, McKee of Guadalupe, McKee of Fannin, Medlock, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Plumley, Schutze, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Weaver, York, Young, Zapp, Zoeller—44.

So the House on reconsideration, refused to order the printing.

The question recurring on the motion to postpone until Friday next at 11 o'clock A. M., it was lost.

The question recurring, "Will the House on reconsideration agree to pass Senate bill No. 274?" the House passed the same by the following vote :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cole, Cotton, Cox, Dorris, Dupree, Ellis, Evans, Gardiner, George, Gaston, Hamilton, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Leonard, Locke, Lorange, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Morrison, Moore of Red River, Patton, Pierson, Plumley Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—60.

Nays—Messrs. Franks, Grothaus, Kendall, Lane, Lyons, Mitchell, Morris, Moore of Harrison, Tinsley—9.

The question being, "Will the House, on reconsideration, agree to pass Senate bill No. 275?" the House passed the same by the following vote :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cotton, Cox, Dorris, Dupree, Ellis, Evans, Gardiner, George, Gaston, Hamilton, Haswell, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Leonard, Locke, Lorange, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Morrison, Moore of Red River, Patton, Pierson, Plumley, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stockbridge, Tegener, Van Noy, Weaver, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—60.

Nays—Messrs. Franks, Grothaus, Lane, Lyons, Mitchell, Morris, Moore of Harrison, Tinsley, Williams of Colorado—9.

On motion of Mr. Robertson, the House reconsidered the vote by which it passed House bill No. 569.

On motion of Mr. Robertson, the House reconsidered the amendments adopted on yesterday to House bill No. 569.

Mr. Lane moved to adjourn until 4 o'clock P. M. Lost.

On motion of Mr. Slaughter, the House at 1 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 25, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Haswell, the reading of yesterday's journal was dispensed with.

Mr. Haswell, Chairman of the Committee on Enrolled Bills submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR : Your Committee on Enrolled Bills, ask leave to report that they have carefully examined the following House bills, to-wit: House bill No. 63, to be entitled "An act to incorporate the Mu-

tual Aid Society of the city of Houston ;" House bill No. 750, to be entitled "An act to incorporate the town of Lockhart, in Caldwell county ;" House bill No. 298, to be entitled "An act to incorporate the Germania Club of Brenham ;" House bill No. 320, to be entitled "An act to enforce section twenty-one, article one, of the Constitution ;" House bill No. 728, to be entitled "An act to incorporate the Washington Steam Fire Engine Company No. 1, of Galveston, and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman.

F. E. GROTHAUS,

H. M. SHOEMAKER.

Report accepted, enrolled bills signed by the Speaker and the Chief Clerk dispatched to the Senate for the signature of the President of that body. Enrolled bills signed by the President of the Senate and returned to the House.

On motion of Mr. Zoeller, Mr. Schutze was excused from attendance on the House to-day on account of sickness.

UNFINISHED BUSINESS.

Business on the Speaker's table, viz: Bills on their second reading:

House bill No. 543, to be entitled "An act authorizing county courts to prohibit the sale of intoxicating liquors within certain boundaries," was read the second time and referred to the Committee on Judiciary.

House bill No. 546, to be entitled "An act making appropriation to pay John H. Conner for services rendered as Captain of Rangers, State of Texas, from January 17, 1860, to May 8, 1860, was read the second time and referred to the Committee on Claims and Accounts.

House bill No. 554, to be entitled "An act to amend the thirtieth section of an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," was read the second time and referred to the Committee on Judiciary.

House bill No. 556, to be entitled "An act amendatory of 'an act to punish certain offenses committed on Sunday,' approved December 16, 1863," was read the second time and referred to the Committee on Judiciary.

House bill No. 558, to be entitled "An act to provide for the appointment of a phonographic reporter to the Supreme Court of the State of Texas," was read the second time and referred to the Committee on Judiciary.

House bill No. 568, to be entitled "An act to amend section three of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,'" was read the second time and referred to the Committee on Judiciary.

House bill No. 559, to be entitled "An act to amend an act passed the 15th day of February, 1858, amendatory to an act passed the 26th day of August, 1856, to establish a Code of Criminal Procedure for the State of Texas," was read the second time and referred to the Committee on Judiciary.

House bill No. 588, to be entitled "An act to provide for a division of the State," was read the second time and referred to the Select Committee on Division of the State.

House bill No. 612, to be entitled "An act to organize the Bureau of Immigration," was read the second time.

On motion of Mr. Evans, the rule requiring all bills on their second reading to be referred to committees, was suspended in this case, and House bill No. 612 was indefinitely postponed.

House bill No. 616, to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of La Vernia Male and Female Academy," was read the second time and referred to the Committee on Education.

House bill No. 623, to be entitled "An act in aid of the construction and completion of the Sabine Pass and Red River Railway," was read the second time and referred to the Committee on Internal Improvements.

House bill No. 645, to be entitled "An act for the relief of Susan H. Corley," was read the second time and referred to the Committee on Private Land Claims.

House bill No. 646, to be entitled "An act for the relief of B. H. Davis, assignee of T. J. Chambers, deceased," was read the second time and referred to the Committee on Private Land Claims.

House bill No. 662, to be entitled "An act to incorporate the Galveston Trunk Railroad Company," was read the second time and referred to the Committee on Internal Improvements.

House bill No. 666, to be entitled "An act to authorize the county courts and the municipal authorities of cities and towns to grant licenses to certain persons to sell, peddle, or otherwise dispose of goods, wares and merchandise without paying the county and corporation occupation tax," was read the second time, and on motion of Mr. Morris, was laid on the table.

House bill No. 708, to be entitled "An act making an appropriation for postage stamps," was read the second time and referred to the Committee on Printing and Contingent Expenses.

House bill No. 734, to be entitled "An act to make a new appor-

tionment for Representative and Senatorial districts of the State of Texas," was read the second time and referred to Committee on Privileges and Elections.

House bill No. 736, to be entitled "An act for the relief of George W. Reynolds," was read the second time and referred to Committee on Private Land Claims.

House bill No. 743, to be entitled "An act to provide for reducing the number of judicial districts in the State of Texas," was read the second time and referred to Committee on Judiciary.

House bill No. 744, to be entitled "An act supplemental to an act entitled 'an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern Branch,' passed August 2, A. D. 1870," was read the second time and referred to Committee on Internal Improvements.

House bill No. 752, to be entitled "An act to incorporate the San Jacinto Railroad Company," was read the second time and referred to Committee on Internal Improvements.

House bill No. 753, to be entitled "An act to provide for the registration of births, marriages and deaths in this State," was read the second time and referred to Committee on Judiciary.

House bill No. 754, to be entitled "An act for the improvement of navigation in the Trinity river," was read the second time and referred to Committee on Internal Improvements.

House bill No. 758, to be entitled "An act concerning private corporations," was read the second time.

On motion of Mr. Evans the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 758 was indefinitely postponed.

House bill No. 764, to be entitled "An act to incorporate the San Antonio and Aransas Bay Railroad Company," was read the second time and referred to Committee on Internal Improvements.

House bill No. 796, to be entitled "An act to amend section three of 'an act to authorize the Governor to prepare and issue bonds to an amount sufficient to meet any deficiency in the receipts of revenue for the years 1871 and 1872, and also providing for the payment of said bonds and interest thereon,' approved May 19, 1871," was read the second time and referred to Committee on Finance.

House bill No. 804, to be entitled "An act to repeal the act entitled 'an act to incorporate the city of Hearne,' approved April 11, 1871," was read the second time and referred to Committee on Town and City Corporations.

House bill No. 805, to be entitled "An act to repeal the act entitled 'an act to incorporate the city of Hempstead, in the county

of Austin,' approved March 13, 1871," was read the second time and referred to Committee on Town and City Corporations.

House bill No. 806, to be entitled "An act to repeal the act entitled 'an act to incorporate the town of Bremond,' approved August 15, 1870," was read the second time and referred to Committee on Town and City Corporations.

House joint resolution No. 26, "Authorizing the appointment of a committee to purchase one acre of the land in Cook county upon which the tree stands, whereupon forty-two loyal men were hung in 1862, and to enclose the same with an iron fence, with suitable tablet or monument inside, and to make an appropriation for the same," was read the second time and referred to Committee on State Affairs.

House joint resolution No. 33, "Joint resolution proposing an amendment to section twenty-eight, article twelve, State Constitution," was read the second time and referred to Committee on Judiciary.

House joint resolution No. 34, "Joint resolution to defray the expenses of printing the reports of all officers who are required to report to the Governor or the Legislature by section five of an act regulating public printing," was read the second time.

On motion of Mr. Evans, the rule requiring all bills and joint resolutions on their second reading to be referred to committees was suspended in this case, and House joint resolution No. 34 was indefinitely postponed.

House joint resolution No. 35, "Joint resolution to repeal section forty-six, of article twelve, of the State Constitution, and the adoption of a clause in lieu thereof," was read the second time and referred to Committee on Judiciary.

SENATE BILLS AND JOINT RESOLUTIONS ON FIRST READING.

Senate joint resolution No. 40, "Leasing certain real estate in the city of Austin, the property of the State of Texas, to certain Masonic bodies, for the erection of a Masonic Temple thereon," was read the first time.

On motion of Mr. Lane, the rules were suspended, and Senate joint resolution No. 40 was read the second time.

On motion of Mr. Haswell, the rule requiring all bills on their second reading to be referred to committees was suspended in this case.

On motion of Mr. Robertson, Senate joint resolution No. 40 was referred to a select committee of three.

Senate bill No. 153, to be entitled "An act to amend an act en-

titled 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," was read the first time.

On motion of Mr. Evans, the rules were suspended, and Senate bill No. 153 was read the second time and referred to the Committee on Judiciary.

Senate bill No. 154, to be entitled "An act to amend an act entitled 'an act for districting the State of Texas into judicial districts,' approved July 1, 1870," was read the first time.

On motion of Mr. Evans, the rules were suspended, and Senate bill No. 154 was read the second time and referred to the Committee on Judiciary.

Senate bill No. 158, to be entitled "An act to incorporate the Houston Cooperage and Manufacturing Company," was read the first time.

On motion of Mr. Evans, the rules were suspended, and Senate bill No. 158 was read the second time and referred to the Committee on Commerce and Manufactures.

Senate bill No. 171, "An act to incorporate the Victoria Fire Company No. 1," was read the first time, rules suspended and read the second time.

On motion of Mr. Grothaus, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 171 was ordered to its third reading.

Senate bill No. 171 was then read the third time, passed and its title agreed to.

Senate bill No. 203, to be entitled "An act to repeal so much of an act entitled 'an act to authorize and require the clerks of the district courts of Titus, Travis and San Augustine counties to apportion the causes on the dockets of said courts,' approved January 31, 1870," was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 212, to be entitled "An act to incorporate G. M. Johnson Lodge No. 97, Independent order of Odd Fellows, at Starville, Texas," was read the first time, rules suspended, read the second time and referred to the Committee on State Affairs.

Senate bill No. 245, to be entitled "An act to incorporate the Port of Galveston and Bolivar Point Wharf and Cotton Press Company," was read the first time, rules suspended, read the second time and referred to the Committee on Commerce and Manufactures.

Senate bill No. 271, to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors within the vicinity of Owensville," was read the first time, rules suspended, read the second time and referred to the Committee on Education.

Senate bill No. 292, to be entitled "An act to incorporate the Southwestern Express and Transportation Company," was read the first time, rules suspended, read the second time and referred to the Committee on Commerce and Manufactures.

Senate bill No. 296, to be entitled "An act to incorporate the law department of the Texas University," was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 339, to be entitled "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature," was read the first time, rules suspended, read the second time and referred to the Committee on Printing and Contingent Expenses.

Senate bill No. 361, to be entitled "An act to incorporate the Bryan Horticultural Society," was read the first time, rules suspended, read the second time, and referred to the Committee on State Affairs.

Senate bill No. 362 to be entitled "An act to incorporate the Young Men's Real Estate, Building and Joint Stock Association of the town of Bryan," was read the first time, rules suspended, read the second time, and referred to the Committee on State Affairs.

Substitute for Senate bill No. 364, to be entitled "An act to establish a manual labor poor-house and convict labor system in each county in the State," was read the first time, rules suspended, read the second time, and referred to the Committee on Judiciary.

Senate bill No. 365, to be entitled "An act supplemental to and amendatory of an act entitled 'an act regulating public printing,' approved August 13, 1870," was read the first time, rules suspended, read the second time and referred to the Committee on Printing and Contingent Expenses.

Senate bill No. 367, to be entitled "An act to incorporate the Railroad, Real Estate, Building and Savings Association of Texas," was read the first time, and on motion of Mr. Haswell it was rejected.

Senate bill No. 374, to be entitled "An act to amend the Penal Code for the State of Texas," was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 385, to be entitled "An act for the relief of Louis Constant," was read the first time, rules suspended, and read the second time.

On motion of Mr. Zapp, the rule requiring all bills on their second reading to be referred to committees, was suspended in this case, and Senate bill No. 385 was ordered to its third reading.

Senate bill No. 396, to be entitled "An act confirming the pow-

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ers granted to the municipal authorities of the incorporated cities and towns of the State," was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 405, to be entitled "An act supplementary to the act entitled 'an act to adopt and establish a Penal Code for the State of Texas,' approved August 28, 1856," was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 414, to be entitled "An act supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,'" was read the first time, rules suspended, read the second time and referred to the Committee on Finance.

Senate bill No. 420, to be entitled "An act for the relief of J. P. Ferrell and making an appropriation therefor," was read the first time, rules suspended, read the second time and referred to the Committee on Claims and Accounts.

Substitute for Senate bill No. 422, to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors within certain limits of the town of Winchester," was read the first time, rules suspended, read the second time and referred to the Committee on Education.

Senate bill No. 435, to be entitled "An act to incorporate the town of Dresden, in Navarro county," was read the first time, rules suspended, read the second time and referred to the Committee on Towns and City Corporations.

Senate bill No. 441, to be entitled "An act to amend the twenty-third section of 'an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 10, 1870," was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 443, to be entitled "An act explanatory of the tax laws of the State of Texas, and to avoid double taxation," was read the first time, rules suspended and read second time.

On motion of Mr. Haswell the rule requiring all bills on their second reading to be referred to committees was suspended in this case.

On the question of ordering Senate bill No. 443 to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Cox, Evans, Gardiner, Grothaus, Hamilton, Harn, Haswell, Kendall, Kyle, Locke, Mitchell, Morris, Plumley, Robinson, Shoemaker, Spencer, Stockbridge—18.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Burley, Camp, Cole, Cotton, Davis, Dorris, Dupree, Ellis, Franks, George, Gaston, Hawkins, Jenkins, Lacy, Lane, Leonard,

Lorance, McKee of Fannin, McLean, Medlock, Miller, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Robb, Robertson, Ross, Schliekum, Schlotman, Self, Tegener, Van Noy, Williams of Colorado, Williams of Walker, Young, Zapp, Zoeller
—44.

So the House refused to order Senate bill No. 443 to its third reading.

Senate bill No. 444, to be entitled "An act to amend an act entitled 'an act to incorporate the city of Corsicana, in Navarro county,' approved May 31, 1871," was read the first time, rules suspended, read second time and referred to the Committee on Town and City Corporations.

Senate bill No. 446, to be entitled "An act to authorize the County Court of Galveston county to issue interest bearing bonds for the purpose of funding the present outstanding indebtedness of said county," was read the first time, rules suspended, read the second time and referred to the Committee on Finance.

Senate bill No. 448, to be entitled "An act to prescribe the time for the regular annual session of the Legislature for 1872," was read the first time, rules suspended, read the second time and referred to the Committee on Privileges and Elections.

Senate bill No. 453, to be entitled "An act to authorize and incorporate the Paris and Bonham Tap of the Missouri, Kansas and Texas Railroad," was read the first time, rules suspended, read the second time and referred to the Committee on Internal Improvements.

Senate bill No. 455, to be entitled "An act to authorize Mrs. W. E. Weaver, her associates and assigns, to erect a toll bridge across Rock creek, in Hopkins county," was read the first time, rules suspended, read the second time and referred to the Committee on Roads, Bridges and Ferries.

Senate bill No. 462, to be entitled "An act to prohibit the sale of spirituous or intoxicating liquors within two miles of Cedar Grove Masonic Male and Female Institute, Kaufman county," was read first time, rules suspended, read the second time and referred to the Committee on Education.

Senate bill No. 469, to be entitled "An act to carry into effect section 10 of article 12 of the Constitution concerning a change of venue," was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 472, to be entitled "An act to incorporate the Texas European Steamship and Land Company," was read the first time, rules suspended, read the second time and referred to the Committee on Immigration.

Senate bill No. 473, to be entitled "An act to incorporate the Texas Agricultural, Horticultural, Mechanical and Industrial Association of Waco," was read the first time, rules suspended, read the second time and referred to the Committee on State Affairs.

Senate bill No. 475, to be entitled "An act to amend the third section of 'an act to incorporate the Carthage Branch Railway Company,'" was read the first time, rules suspended, and read the second time.

On motion of Mr. Booty, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 475 ordered to its third reading.

On motion of Mr. Johnson, the rules were further suspended, and Senate bill No. 475 read the third time, passed and its title agreed to.

Senate bill No. 487, to be entitled "An act authorizing S. A. Cook to erect and keep a toll bridge across Mineral Bayou, in Grayson county," was read the first time, rules suspended, read the second time and referred to the Committee on Roads, Bridges and Ferries.

Senate bill No. 496, to be entitled "An act supplemental to an act entitled 'an act in relation to the location, survey and return of genuine land certificates,' passed April 25, 1871," was read the first time, rules suspended, read the second time and referred to the Committee on Public Lands and Land Office.

Senate bill No. 499, to be entitled "An act in relation to the change of venue in certain cases," was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 504, to be entitled "An act to provide for appeals from interlocutory judgments in the district courts of the State," was read the first time, rules suspended, read the second time.

On motion of Mr. Robertson, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 504 ordered to its third reading.

11 O'CLOCK A. M.

SPECIAL ORDER.

VIZ: Consideration of the Governor's veto message on House bill No. 491.

The question being, "Will the House, upon reconsideration, agree to pass the bill?" the House refused to pass the same by the following vote:

Yeas—Messrs. H. R. Allen, Austin, Booty, Camp, Cole, Dorris,

George, Gaston, Jenkins, Johnson, Lacy, Lane, Leonard, Lorange, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Morrison, Moore of Red River, Pierson, Plumley, Posey, Robertson, Ross, Schlickum, Self, Simmons, Stockbridge, Tegener, York, Young, Zapp—33.

Nays—Messrs. Richard Allen, Burley, Cotton, Cox, Davis, Dupree, Ellis, Franks, Grothaus, Hamilton, Harn, Haswell, Kendall, Medlock, Mitchell, Morris, Moore of Harrison, Patton, Robinson, Schlotman, Sheriff, Shoemaker, Spencer, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Zoeller—28.

HOUSE BILLS ON FIRST READING.

House bill No. 674, to be entitled "An act authorizing the employment of a corresponding clerk in the office of the Comptroller of Public Accounts," was read the first time.

House bill No. 675, to be entitled "An act to amend an act entitled 'an act to create the Board of Land Commissioners of Public Grounds and Buildings,'" was read the first time.

Senate concurrent resolution No. 7, "in relation to the annexation of San Domingo to the United States," was read the first and second times.

Mr. Chambers moved to reject the resolution, upon which the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Ellis, Evans, George, Gaston, Harn, Jenkins, Lacy, Lane, Leonard, McLean, Moore of Red River, Pierson, Posey, Robertson, Ross, Schlickum, Self, Simmons, York, Young—25.

Nays—Messrs. H. R. Allen, Richard Allen, Burley, Camp, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Kendall, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Schlotman, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Zapp, Zoeller—36.

So the House refused to reject the concurrent resolution.

On motion of Mr. Camp the resolution was referred to the Committee on Federal Relations.

Simple resolution, relative to granting the use of the Hall for the purpose of giving a ball.

On motion of Mr. Slaughter it was laid on the table.

SENATE MESSAGES.

On motion of Mr. Evans the House agreed to the following Senate amendments to House bill No. 776 :

1. Amend section two line two by striking out the words, "at the earliest day practicable," and insert the words, "as soon as there is money enough in the Treasury for that purpose."

2. Amend section four by inserting after the word "that" in first line, the words "interest bearing bonds."

On motion of Mr. Evans the House disagreed to third Senate amendment, viz :

Amend section five by adding thereto the words: "*Provided*, that the holder of any interest-bearing bond or bonds, as described in section four of this act, may retain possession of the original of such bond or bonds and the Auditorial Board, created by the act to which this is a supplement, shall cause to be endorsed on said bond or bonds, the word "*genuine*," which endorsement shall be dated and signed by the President of the board, and shall be sufficient to authorize the payment of the principal and interest of such bonds, according to their tenor and effect; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the interest and principal of such bonds."

On motion of Mr. Evans the House disagreed to the fourth Senate amendment, viz: in section two, line three, insert the words "not otherwise appropriated" after the word "purpose."

On motion of Mr. Evans the House agreed to the following amendment to the caption: Amend the caption by adding thereto the words "and the act supplemental thereto, approved May 22, 1871."

Chief Clerk dispatched to the Senate returning the Governor's veto message on Senate bills Nos. 274 and 275, and informing that body that the House, on reconsideration, had, notwithstanding the veto of the Governor, passed said bills.

House concurrent resolution No. 12, relative to adjournment, returned from Senate with amendment.

On motion of Mr. Franks, the House disagreed to Senate amendment.

Mr. Franks moved that a joint committee of three from the House and two from the Senate be appointed to take into consideration the matter of adjournment.

Mr. Jo. Abbott moved a reconsideration of the vote by which the House disagreed to the Senate amendment to House concurrent resolution No. 12.

Mr. Franks moved to lay the motion to reconsider on the table.

Mr. Jo. Abbott moved a call of the House. Call sustained.

Absent—Messrs. Bonner, Camp, Cole, Hawkins, Kyle, Lorange, J. R. McKee, Prissick, Robb, Weaver and Youngkin.

Mr. Locke moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Locke, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Schlötman, Sheriff, Shoemaker Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Zoeller—45.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Gaston, Lacy, Lane, Leonard, McLean, Miller, Moore of Red River, Pierson, Posey, Robertson, Ross, Self, Simmons, Smyth, Spencer, Young, Zapp—22.

So the call of the House was suspended.

Mr. Jo. Abbott moved that the House adjourn until to-morrow morning at 10 o'clock. Lost.

Mr. Lane moved that the House adjourn until 4 o'clock P. M., upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Messrs. Abbott of Hill, H. R. Allen, Austin, Cole, Gaston, Hamilton, Johnson, Lane, Leonard, McLean, Miller, Pierson, Posey, Ross, Schlickum, Self, Sheriff, Williams of Walker, Zapp, Zoeller—20.

Nays—Messrs. Abbott of Austin, Richard Allen, Booty, Burley, Chambers, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Evans, Franks, Gardiner, George, Grothaus, Harn, Haswell, Jenkins, Kendall, Lacy, Locke, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Moore of Red River, Patton, Plumley, Robertson, Robinson, Schlotman, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, York, Young—47.

So the House refused to adjourn.

The question recurred on the motion of Mr. Franks to lay on the table the motion of Mr. Jo. Abbott to reconsider the vote by which the House disagreed to Senate amendment to House concurrent resolution No. 12, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Franks, Gardi-

ner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lyons, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlickum, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, York, Youngkin—37.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Evans, Gaston, Grothaus, Hawkins, Jenkins, Lacy, Lane, Leonard, McKee of Guadalupe, McLean, Miller, Moore of Red River, Pierson, Posey, Robb, Robertson, Ross, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Williams of Colorado, Williams of Walker, Young, Zapp, Zoeller—34.

So the motion to reconsider was laid on the table.

House bill No. 569, to be entitled "An act defining tenancies and prescribing how they shall be terminated."

The question being, "Will the House, on reconsideration, adopt the amendments to House bill No. 569, which had been reconsidered yesterday?" the House refused to adopt said amendments.

On motion of Mr. Robertson, the following amendments were adopted:

Amend section one by striking out the word "landlord" and insert the words "owner or agent."

Section six, strike out "landlord," and insert "owner or lessor;" and after "tenant," in last line, add words "or lessee."

Section seven, after "tenants," in line first, add "or lessees." In line second strike out "landlords," and insert "owners or lessors." In line third strike out "landlord," and insert "owner, agent or lessor." Also, after "tenant," add "or lessee." In line fourth, strike out "landlord," and insert "owner, agent or lessor."

Section nine, line second, after "tenant," add "or lessee." Also, strike out "landlord" and insert "owner, agent or lessor."

Section ten, line first, after "tenant," add "or lessee." Also, in line fourth, strike out "landlord" and insert "owner, agent."

Section eleven, line first, strike out "landlord," and insert "owner, agent." In line third, after "tenant," add "or lessee." In line fifth strike out "landlord" and insert "owner, agent."

Section twelve, line second, strike out "landlord" and insert "owners."

On motion of Mr. Robertson section thirteen was amended by striking out the words "its passage" and inserting in lieu thereof the words "the first day of January, A. D. 1872."

House bill No. 569 then passed and its title was agreed to.

On motion of Mr. Robertson House bill No. 569 was ordered to be engrossed.

By unanimous consent, Mr. Franks, Chairman of the Committee on Judiciary, submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 775, to be entitled "An act to confirm and make valid the acts of the District Court of Collin county, begun and held at McKinney on the first Monday in July, 1871," have had the same under consideration and recommend its passage.

Respectfully,

FRANKS, Chairman,
YOUNG,
ROBERT ZAPP,
MORRISON,
McLEAN,
J. W. ROBERTSON,
W. J. LOCKE,
GROTHAUS,
J. D. GEORGE,
J. E. HAWKINS.

House bill No. 775 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Lane, the rules were suspended, House bill No. 775 read the third time, passed and its title agreed to.

The Chair announced the following as the select committee, under the motion of Mr. Robertson, for the consideration of Senate joint resolution No. 40, viz.: Messrs. Robertson, J. F. McKee and Evans.

PETITIONS AND MEMORIALS.

Mr. Gardiner presented a petition of Reynold Reynolds of Brazos county, asking for relief respecting land certificate, which was read and referred to the Committee on Private Land Claims.

Mr. Plumley presented a petition of citizens of Matagorda, asking to be included in the cattle bill, which was read and referred to the Committee on Agriculture and Stockraising.

On motion of Mr. Plumley, the rules were suspended to allow the introduction of bills.

Mr. Zapp introduced a bill (House bill No. 827) to be entitled "An act to authorize the Surveyor of Bastrop county to transcribe the surveyor's records of Bastrop county, and to supply lost records from the General Land Office," which was read the first time.

On motion of Mr. R. Allen, the rules were suspended, House

bill No. 827 read the second time and referred to the Committee on Public Lands and Land Office.

Mr. R. Allen introduced a bill (House bill No. 828) to be entitled "An act to incorporate the International Iron and Car Manufacturing Company," which was read the first time.

Mr. Morrison introduced a bill (House bill No. 829) to be entitled "An act to release M. S. Cooley from paying State, county or city incorporation tax on the sale of goods, wares and merchandise in the State of Texas," which was read the first time.

Mr. Burley introduced a bill (House bill No. 830) to be entitled "An act to establish a ferry across the Brazos river in the counties of Milam and Robertson at or near the town of Port Sullivan, in Milam county."

Also, a bill (House bill No. 831) to be entitled "An act to amend an act approved August 13, 1870, 'incorporating the town of Bremond,'" which were read the first time.

Mr. Cox introduced a bill (House bill No. 832) to be entitled "An act to establish the compensation of members of the Legislature;" also, a bill (House bill No. 833) to be entitled "An act to incorporate the Round Mountain Educational Company, in Blanco county, Texas," and a bill (House bill No. 834) to be entitled "An act to incorporate the Austin and Northwestern Railroad and Telegraph Company," which were read the first time.

Mr. Cotton introduced a bill (House bill No. 835) to be entitled "An act appropriating certain portions of the public domain to the use of the public free schools of the State," which was read the first time.

Mr. Chambers introduced a bill (House bill No. 836) to be entitled "An act to incorporate the Trinity River Navigation Company," which was read the first time.

Mr. Johnson introduced a bill (House bill No. 837) to be entitled "An act to amend section thirty of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," which was read the first time.

Mr. Haswell introduced a bill (House bill No. 838) to be entitled "An act to amend the third section of 'an act to incorporate the Galveston Bay Dredging Company,' passed June 30, 1870," which was read the first time.

Mr. Posey introduced a bill (House bill No. 839) to be entitled "An act to incorporate the Agricultural, Mechanical and Live Stock Association of the Colorado Valley," which was read the first time.

Mr. Grothaus introduced a bill (House bill No. 840) to be entitled "An act to incorporate the Casino Society of Yorktown," which was read the first time.

Mr. Robertson introduced a bill (House bill No. 841) to be entitled "An act to regulate in part the receipt and disbursement of public money." Also, a bill (House bill No. 842) to be entitled "An act to incorporate the Calvert Hebrew Benevolent Association, of Calvert, Texas," which were read the first time.

Mr. Morris introduced a bill (House bill No. 843) to be entitled "An act to incorporate the Gem Fire Company No. 2, of the city of Jefferson, Texas," which was read the first time.

Mr. Kyle introduced a bill (House bill No. 844) to be entitled "An act to incorporate the Travis County Agricultural Mechanical and Blood Stock Association," which was read the first time.

Mr. C. L. Abbott introduced a bill (House bill No. 845) to be entitled "An act for the relief of District Surveyors," which was read the first time.

Mr. Dupree introduced a bill (House bill No. 846) to be entitled "An act to change the county boundaries of Walker and Montgomery counties," which was read the first time.

Mr. Stockbridge introduced a bill (House bill No. 847) to be entitled "An act to confer additional authority upon the Excelsior Transfer and Transportation Company." And a bill (House bill No. 848) to be entitled "An act authorizing the mayor and board of aldermen of the city of Brenham to dispose of the alleys of said city," which were read the first time.

A message was received from the Senate transmitting for the concurrence of the House the following Senate bills and joint resolutions, viz: Nos. 507, 515 and 521, and Senate joint resolution No. 44; also returning the following House bills which had been passed by that body, viz: Nos. 337, 631 and 724, without amendment, and with amendment House bill No. 771.

By unanimous consent, Senate bill No. 515, to be entitled "An act making an appropriation to defray the printing and contingent expenses of the twelfth Legislature of the State of Texas," was, on motion of Mr. Plumley, taken up out of its regular order and read the first time.

On motion of Mr. Plumley, the rules were suspended, Senate bill No. 515 read the second time and referred to the Committee on Printing and Contingent Expenses.

By unanimous consent, Senate bill No. 521, to be entitled "An act to authorize Sim. Davis and associates to construct, own and keep a toll bridge on Sulphur Fork of Red River," was, on motion of Mr. McLean, taken up out of its regular order and read the first time.

On motion of Mr. McLean, the rules were suspended, Senate bill No. 521 read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Hamilton introduced a bill (House bill No 849) to be entitled "An act to amend an act entitled 'an act to incorporate the town of Bastrop.' approved December 18, 1837," which was read the first time.

Mr. Davis introduced a bill (House bill No. 850) to be entitled "An act to more particularly regulate and define the proceedings of district courts in regard to criminal causes," which was read the first time.

Mr. Gardiner introduced a bill (House bill No. 851) to be entitled "An act to amend 'an act to establish a ferry across the Brazos river, at or near the mouth of the Little Brazos river, in the counties of Brazos and Burleson,' " which was read the first time.

Mr. Robinson moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. R. Allen, Austin, Booty, Bonner, Burley, Cole, Cotton, Davis, Ellis, Evans, Gaston, Hamilton, Harn, Hawkins, Johnson, Kendall, Kyle, Leonard, Locke, McKee of Fannin, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Moore of Red River, Patton, Pierson, Robb, Robinson, Schlickum, Self, Sheriff, Simmons, Smyth, Stockbridge, Tegener, Tinsley, Weaver, Young
—40.

Nays—Messrs. Abbott of Hill, Camp, Chambers, Cox, Dorris, Franks, Gardiner, George, Grothaus, Haswell, Lane, McKee of Guadalupe, McLean, Plumley, Posey, Robertson, Ross, Schlotman, Shoemaker, Williams of Walker, York, Youngkin, Zapp, Zoeller
—25.

So the House at 1:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 26, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Ellis and Prissick.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

UNFINISHED BUSINESS.

The motion of Mr. Franks, that a committee of conference, of three from the House and two from the Senate, be appointed to take into consideration the disagreement of the House to the Senate's amendment to House concurrent resolution No. 12, in relation to adjournment of the two Houses *sine die*. Carried.

The Speaker appointed Messrs. Franks, Robinson and Robb as such committee, on part of the House.

On motion of Mr. Zoeller, Mr. Schutze was excused attendance on the House to-day, on account of sickness.

On motion of Mr. Plumley, Mr. R. Allen was excused from attendance on the House for ten days from to-day.

PETITIONS AND MEMORIALS.

Mr. Harn presented the petition of J. Lancaster, which was read and referred to the Committee on Private Land Claims.

On motion of Mr. Plumley, the rules were suspended to allow the introduction of bills and resolutions.

BILLS.

Mr. Zoeller introduced a bill (House bill No. 852) to be entitled "An act for the relief of the heirs of John Short, deceased," which was read the first time.

Mr. Zoeller also introduced a bill (House bill No. 853) to be entitled "An act for the relief of persons who have lost certain property, after assessment, from paying taxes thereon," which was read the first time.

Mr. Schlickum introduced a bill (House bill No. 854) to be entitled "An act authorizing the issuance of certificates to those entitled to bounty lands by virtue of the laws of the late Republic of Texas," which was read the first time.

The following special message was received from the Governor by the hands of his Private Secretary:

GOVERNOR'S OFFICE, }
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return to the House of Representatives for reconsideration the act entitled "An act to authorize the County Court of Upshur county to levy a special tax for the completion of the court house in said county."

This act authorizes the County Court of Upshur county to levy a tax upon the "citizens" of said county, and not on the property owned in said county, as should be the case. I suppose this error might have been accidental, but it nevertheless vitiates the act.

There is another objection. The tax to be levied is unlimited in amount, but it is the better opinion that the Legislature cannot delegate such power to the county court; and could this be done, it is clear that the great danger of the improper exercise of such authority by the county courts forbids the grant of it.

Respectfully,

EDMUND J. DAVIS, Governor.

Message laid over under the rules.

Mr. Franks introduced a bill (House bill No. 855) to be entitled "An act authorizing and requiring the payment of certain claims against the State," which was read the first time.

Mr. Plumley introduced the following bills: A bill (House bill No. 856) to be entitled "An act to incorporate the Galveston Savings Bank and Trust Company;" a bill (House bill No. 857) to be entitled "An act granting to the city council of the city of Austin the right to erect suitable buildings for the use of the fire department of said city on certain real estate belonging to the State;" a bill (House bill No. 858) to be entitled "An act to incorporate the Home Insurance and Trust Company of Texas;" a bill (House bill No. 859) to be entitled "An act relating to the preparation and sale of drugs and medicines," which were read the first time.

Mr. Jenkins introduced a bill (House bill 860) to be entitled "An act incorporating a toll bridge on the Tahuacana at the crossing of the public road from Waco to Corsicana," which was read the first time.

Mr. Camp introduced a bill (House bill No. 861) to be entitled "An act to repeal the third section of 'an act to amend an act to establish a State police, and provide for the regulation of the same,' approved July 1, 1870," which was read the first time.

RESOLUTIONS.

Mr. Evans offered the following resolution :

Resolved, That the Speaker cause a list to be prepared, showing the name, office or occupation, and *per diem* pay of each one of the officers and employes of this House, and present said list to this House at 10:30 o'clock A. M. to-morrow.

Resolution read first and second times, and on motion of Mr. Evans it was adopted.

Mr. McLean offered the following resolution :

WHEREAS, The time allowed by law for receiving and counting election returns has elapsed since the late election ; and,

Whereas, An election proclamation was made, ordering elections for seven Representatives in the lower House of Representatives, and in accordance with such proclamation the people have sent their chosen Representatives to the capitol, who are now here asking admission to seats in this body ; and,

Whereas, Nearly twenty populous counties are now without the representation guaranteed by the Constitution ; therefore,

Resolved, That the Secretary of State be requested to furnish to this House the reasons for withholding certificates of election from members elect to the Legislature.

Resolution read the first and second times.

Mr. Morris moved to lay the resolution on the table, upon which motion the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Franks, Gardiner, George, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Youngkin, Zapp, Zoeller—29.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Dupree, Evans, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Manning, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Plumley, Posey, Robb, Ross, Schlickum, Schlotman, Self, Simmons, Smyth, Spencer, Tegener, Van Noy, Weaver, Williams of Walker, York, Young—40.

So the House refused to lay the resolution on the table.

Mr. Evans moved to amend the resolution by substituting the following for the first part of the preamble :

“WHEREAS, The time fixed by law for the counting of the election returns of the late election was the twenty-second day of the present month,”

Adopted.

On motion of Mr. Evans, the resolution was amended by striking

out the words "withholding certificates of election from members elect to the Legislature" and inserting in lieu thereof the following: "not having certified to this House the names of the members elect thereto in the late election."

The question recurring on the adoption of the resolution as amended the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Richard Allen-Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Dorris, Dupree, Evans, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Stockbridge, Tegener, Van Noy, Weaver, Williams of Walker, York, Young, Zapp,—56.

Nays—Messrs. Abbott of Austin, Burley, Cotton, Cox, Franks, Locke, McKee of Guadalupe, Morris, Moore of Harrison, Patton, Robinson, Schlickum, Shoemaker, Tinsley, Williams of Colorado, Youngkin, Zoeller—17.

So the resolution was adopted.

Mr. Franks offered the following resolution:

Resolved, That the publishers of the DAILY STATE JOURNAL are requested to mail such copies of the DAILY STATE JOURNAL, subscribed for by this House as the members thereof may desire, in the same manner that they mail papers to their regular subscribers.

Resolved further, That the Postmaster of this House obtain the names and addresses of persons to whom members desire their papers to be mailed, and present the same to the publishers of the DAILY STATE JOURNAL, with a copy of this resolution; and that the Postmaster cause the remaining papers due the members of this House to be placed in their respective boxes.

Resolution read the first and second times, and on motion of Mr. Booty, it was adopted.

Mr. Robertson offered the following resolution:

Resolved, That the special committee, to whom was referred the message of His Excellency, the Governor, concerning the proclamation of martial law in Limestone and Freestone counties, with accompanying papers, be required to report to-morrow at 11 o'clock A. M.

Resolution read the first and second times.

Mr. Burley moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Dorris, Dupree, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell,

Morris, Morrison, Moore of Harrison, Patton, Plumley, Robinson, Schlotman, Shoemaker, Stockbridge, Tinsley, Van Noy, Williams, of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Evans, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Miller, Moore of Red River, Pierson, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Spencer, Tegener, Weaver, Young—33.

So the resolution was laid on the table.

On motion of Mr. Plumley, the rules were suspended to take up bills on their second reading.

House bill No. 674, to be entitled "An act authorizing the employment of a corresponding clerk in the office of the Comptroller of Public Accounts," was read the second time and referred to the Committee to examine Comptroller's and Treasurer's offices.

House bill No. 675, to be entitled "An act to amend an act entitled 'an act to create the Board of Land Commissioners of public grounds and buildings,'" was read the second time and referred to the Committee on Public Buildings and Grounds.

House bill No. 827, to be entitled "An act to authorize the surveyor of Bastrop county to transcribe the surveyors' records of Bastrop county, and to supply lost records from the General Land Office," was read second time and referred to Committee on Public Lands and Land Office.

House bill No. 828, to be entitled "An act to incorporate the International Iron and Car Manufacturing Company," was read second time and referred to Committee on Commerce and Manufactures.

House bill No. 829, to be entitled "An act to release M. S. Cooley from paying State, county or city incorporation tax on the sale of goods, wares and merchandise in the State of Texas," was read second time and referred to the Committee on Finance.

House bill No. 830, to be entitled "An act to establish a ferry across the Brazos river, in the counties of Milam and Robertson, at or near the town of Port Sullivan, in Milam county," was read the second time and referred to the Committee on Roads, Bridges and Ferries.

House bill No. 831, to be entitled "An act to amend 'an act approved August 13, 1870, incorporating the town of Bremond,'" was read the second time and referred to the Committee on Town and City Corporations.

House bill No. 832, to be entitled "An act to establish the com-

pensation of members of the Legislature," was read the second time and referred to the Committee on Finance.

House bill No. 833, to be entitled "An act to incorporate the Round Mountain Educational Company of Blanco county," was read the second time and referred to the Committee on Education.

House bill No. 834, to be entitled "An act to incorporate the Austin and Northwestern Railroad and Telegraph Company," was read the second time and referred to the Committee on Internal Improvements.

House bill No. 835, to be entitled "An act appropriating certain portions of the public domain to the use and support of the public free schools of the State," was read the second time and referred to the Committee on Internal Improvements.

House bill No. 836, to be entitled "An act to incorporate the Trinity Navigation Company," was read the second time and referred to the Committee on Internal Improvements.

House bill No. 837, to be entitled "An act to amend section thirty of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," was read the second time and referred to the Committee on Finance.

House bill No. 838, to be entitled "An act to amend the third section of 'an act to incorporate the Galveston Bay Dredging Company,' passed June 30, 1870," was read second time and referred to the Committee on Commerce and Navigation.

House bill No. 839, to be entitled "An act to incorporate the Agricultural, Mechanical and Live Stock Association of the Colorado Valley," was read the second time and referred to the Committee on Agriculture and Stock Raising.

House bill No. 840, to be entitled "An act to incorporate the Dramatic Society of Yorktown," was read the second time and referred to the Committee on State Affairs.

House bill No. 841, to be entitled "An act to regulate in part the receipt and disbursement of public money," was read the second time and referred to the Committee on Finance.

House bill No. 842, to be entitled "An act to incorporate the Calvert Hebrew Benevolent Association of Calvert, Texas," was read the second time and referred to the Committee on State Affairs.

House bill No. 843, to be entitled "An act to incorporate the Gem Fire Company No. 2, of the city of Jefferson, Texas," was read the second time and referred to the Committee on State Affairs.

House bill No. 844, to be entitled "An act to incorporate the Travis County Agricultural and Blood Stock Association," was read the second time and referred to the Committee on Agriculture and Stockraising.

House bill No. 845, to be entitled "An act for the relief of district surveyor," was read the second time and referred to the Committee on Claims and Accounts.

House bill No. 846, to be entitled "An act changing the northern boundary of Montgomery county and southern boundary of Walker county," was read the second time and referred to the Committee on Counties and County Boundaries.

House bill No. 847, to be entitled "An act to confer additional authority upon the Excelsior Transfer and Transportation Company," was read the second time and referred to the Committee on Commerce and Manufactures.

House bill No. 848, to be entitled "An act authorizing the Mayor and Board of Aldermen of the city of Brenham to dispose of the alleys of said city," was read the second time and referred to the Committee on Town and City Corporations.

House bill No. 849, to be entitled "An act to amend an act entitled 'an act to incorporate the town of Bastrop,' approved December 18, 1837," was read second time and referred to the Committee on Town and City Corporations.

House bill No. 850, to be entitled "An act to more particularly regulate and define the proceedings in district courts in regard to criminal causes," was read second time and referred to the Committee on Judiciary.

House bill No. 851, to be entitled "An act to amend an act entitled 'an act to establish a ferry across Brazos river at or near the mouth of the Little Brazos river, in the counties of Burleson and Brazos,'" was read second time and referred to the Committee on Roads, Bridges and Ferries.

SPECIAL ORDER,

Viz: House bill No. 653, to be entitled "An act to punish certain offenses committed on Sunday."

On motion of Mr. Grothaus, the consideration of the special order was postponed until Saturday next at 11 o'clock A. M.

On motion of Mr. Plumley, the House proceeded to the transaction of business on the Speaker's table.

SENATE MESSAGES.

On motion of Mr. Grothaus, the House agreed to the following Senate amendments to House bill No. 771, to be entitled "An act to incorporate the Star Mining and Transportation Company," viz: amend section five, lines eleven and twelve, by striking out the words

"grants, privileges and exemptions;" in line fifteen insert after the word "the" and before the word "laws" the word "general."

BILLS ON THIRD READING.

Senate bill No. 385, to be entitled "An act for the relief of Louis Constant," was read the third time and the House refused to pass the same.

Senate bill No. 504, to be entitled "An act to provide for appeals from interlocutory judgments in the district courts of the State," was read the third time, passed and its title agreed to.

SENATE BILLS AND JOINT RESOLUTIONS ON THEIR FIRST READING.

Senate bill No. 507, to be entitled "An act in relation to county bridges," was read the first time.

Senate joint resolution No. 44, "Joint resolution for the relief of James H. Skinner, sheriff of Henderson county, was read first time.

Mr. Gaston moved a suspension of the rules to take up Senate bills on their second reading. Rules not suspended.

On motion of Mr. B. F. Williams, the special order for the first Monday in November, viz: Senate bill No. 178, to be entitled "An act to repeal an act approved August, 1870, entitled 'an act to amend an act to incorporate Herman's University, approved January 27, 1844,' as amended by an act passed April 11, 1846," was discharged.

Mr. Evans moved a reconsideration of the vote by which the House refused to pass Senate bill No. 385, to be entitled "An act for the relief of Louis Constant." The House decided to reconsider.

On motion of Mr. Franks, the rules were suspended, and Senate bill No. 385 taken up out of its regular order, and referred to the Committee on Private Land Claims.

Mr. Robertson moved a reconsideration of the vote by which the House refused to order Senate bill No. 443 to its third reading. The House decided to reconsider.

Mr. Robertson moved a suspension of the rules to take up Senate bill No. 443. Rules not suspended.

A message was received from the Senate transmitting, for the concurrence of the House, Senate bills Nos. 508, 518 and 525.

REPORTS OF COMMITTEES

Mr. R. Allen, Chairman of the Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM, }
Austin, Oct. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 813, to be entitled "An act to establish a ferry across Trinity river, at Prewit's old mill," after due consideration beg leave to recommend the passage of the same, with the following amendment: In section three strike out all after the word "charge," and insert as follows: "Such rate of toll as may be authorized by the Police Court of Ellis county."

Respectfully,

R. ALLEN, Chairman,
LACY,
AUSTIN,
MANNING,
SCHLOTMAN,
HAMILTON.

On motion of Mr. R. Allen, the amendment recommended by the committee was adopted. House bill No. 813 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. R. Allen, the rules were suspended. House bill No. 813 was read the third time, passed and its title was agreed to.

COMMITTEE ROOM, }
Austin, Sept. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 792, to be entitled "An act to incorporate the Karnes county Bridge Company," after due consideration-beg leave to recommend the passage of the same with the following amendments: In section six, after the words "two-horse" strike out the words "pleasure carriage, thirty cents," and insert the words "carriage, twenty-five cents;" also, after the words "for all loose animals, five cents per head," insert the words "except for sheep, hogs and goats, which shall be two cents per head."

Respectfully,

R. ALLEN, Chairman,
J. O. AUSTIN,
J. J. HAMILTON,
B. B. LACY,
MILO MANNING,
WM. SCHLOTMAN.

On motion of Mr. R. Allen, the amendments recommended by the committee were adopted.

House bill No. 792 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. R. Allen, the rules were suspended, House bill No. 792 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 703, to be entitled "An act to repeal an act entitled 'an act to authorize county courts to levy a road tax, and to improve roads and bridges,' passed August 4, 1870, after due consideration, beg leave to report back and recommend that said bill be laid on the table.

Respectfully,

R. ALLEN, Chairman,
HAMILTON,
LACY,
AUSTIN,
SCHLOTMAN,
MANNING.

On motion of Mr. R. Allen, the report was adopted, and House bill No. 703 laid on the table.

COMMITTEE ROOM,
Austin, Oct. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 808, to be entitled "An act to incorporate the Galesville Bridge Company," after due consideration beg leave to recommend its passage, with the following amendments: In section six, line two, insert the word "toll" before the word "bridge." Also, in same section, strike out "three miles" and insert "two miles."

Respectfully,

R. ALLEN, Chairman,
LACY,
AUSTIN,
MANNING,
SCHLOTMAN,
HAMILTON.

On motion of Mr. R. Allen, the amendments recommended by the committee were adopted.

House bill No. 808, was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. R. Allen, the rules were suspended, House bill No. 808 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Sept. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries to whom was referred House bill No. 809, to be entitled "An act to incorporate the Lone Star Ferry Company," after due consideration, beg leave to recommend the passage of the same with the following amendment, to-wit: in section four strike out the word "exclusive."

Respectfully,

R. ALLEN, Chairman,
HAMILTON,
LACY,
AUSTIN,
SCHLOTMAN,
MANNING.

On motion of Mr. R. Allen the amendment recommended by the committee was adopted.

House bill No. 809 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. R. Allen the rules were suspended, House bill No. 809 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 769, to be entitled "An act to establish a ferry across the Neches river, at the Bodenhamer crossing, county of Houston," after due consideration, beg leave to recommend the passage of the same with the following amendment: In section one strike out all after the words "Houston county," and insert as follows: "and no other person or persons shall have the right to establish or maintain a ferry or toll bridge within two miles above and below said crossing for the period of twenty years."

R. ALLEN, Chairman,
LACY,
AUSTIN,
MANNING,
SCHLOTMAN,
HAMILTON.

On motion of Mr. Gaston, the amendment recommended by the committee was adopted.

House bill No. 769 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. R. Allen, the rules were suspended, House bill No. 769 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 803, to be entitled an act to authorize James R. Harrington to erect a toll bridge over White Rock creek, in Hill county, Texas," after due consideration, beg leave to recommend the passage of the same without amendment.

Respectfully,

R. ALLEN, Chairman.
B. B. LACY,
J. O. AUSTIN,
MILO MANNING,
WM. SCHLOTMAN,
J. J. HAMILTON.

House bill No. 803 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. R. Allen, the rules were suspended, House bill No. 803 read the third time, passed and its title agreed to.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following House bills, to-wit: House bill No. 63, to be entitled "An act to incorporate the Mutual Aid Society of the city of Houston;" House bill No. 750, to be entitled "An act to incorporate the town of Lockhart, in Caldwell county;" House bill No. 298, to be entitled "An act to incorporate the Germania Club of Brenham;" House bill No. 320, to be entitled "An act to enforce section twenty-one, article one, of the Constitution;" House bill No. 728, to be entitled "An act to incorporate the Washington Steam Fire Engine Company No 1, of Galveston."

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted.

On motion of Mr. B. F. Williams, the rules were suspended, Senate bill No. 178, to be entitled "An act to repeal an act approved August, 1870, entitled 'an act to amend an act to incorporate Herman's University, approved January 27, 1844,' as amended by an act passed April 11, 1846," taken up out of its regular order, read and ordered to its third reading.

Senate bill No. 178, was then read the third time, passed and its title agreed to.

Mr. Gardiner, Chairman of the Committee on Claims and Accounts, submitted the following reports :

COMMITTEE ROOM,
Austin, Oct. 23, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Claims and Accounts, to whom was referred Senate bill No. 240, to be entitled "An act for the relief of R. S. Brame, late sheriff of Lamar county, Texas," have carefully examined the same, report it back, and respectfully recommend its passage.

C. W. GARDINER, Chairman,
H. H. VAN NOY,
C. J. STOCKBRIDGE,
J. R. McKEE,
W. G. ROBINSON.

Senate bill No. 240 was then read and ordered to its third reading.

Senate bill No. 240 was then read the third time.

Mr. Franks moved to recommit the bill to the Committee on Claims and Accounts. Lost.

The question recurring on the passage of Senate bill No. 240 the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Bonner, Cole, Cox, Gardiner, Gaston, Hamilton, Haswell, Jenkins, Johnson, Lane, McKee of Guadalupe, McKee of Fannin, Morrison, Pierson, Plumley, Robb, Robertson, Ross, Stockbridge, Van Noy, Weaver—22.

Nays—Messrs. Richard Allen, Austin, Booty, Burley, Camp, Cotton, Dorris, Dupree, Evans, Franks, George, Grothaus, Harn, Kendall, Kyle, Lacy, Leonard, Locke, Lorange, Lyons, McLean, Medlock, Miller, Mitchell, Morris, Posey, Robinson, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—42.

So the House refused to pass the bill.

Mr. Austin moved a reconsideration of the vote just taken.

Mr. Morris moved to lay the motion to reconsider on the table. Lost.

The question recurring, "Will the House reconsider the vote by which it refused to pass Senate bill No. 240?" the House decided to reconsider.

Mr. Burley moved that the House adjourn. Lost.

On motion of Mr. Austin, the further consideration of Senate bill No. 240 was postponed and made the special order for to-morrow, at 11 o'clock A. M.

COMMITTEE ROOM, }
Austin, Oct. 19, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 715, to be entitled "An act for the relief of G. H. Noonan, late Judge of the Eighteenth Judicial District," have carefully considered the same, and report it back, recommending its passage.

C. W. GARDINER, Chairman,
H. H. VAN NOY,
C. J. STOCKBRIDGE,
J. R. McKEE,
J. C. WEAVER,
ROBINSON.

House bill No. 715 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Evans, House bill No. 715 was recommitted to the Judiciary Committee.

By unanimous consent, Mr. Franks introduced a bill (House bill 862) to be entitled "An act making an appropriation to supply the deficiencies in fiscal years 1870 and 1871, ending the 31st of August, for fees due district attorneys, which was read the first time.

On motion of Mr. Franks, the rules were suspended, House bill No. 862) read the second time, and referred to the Committee on Judiciary.

By unanimous consent, Mr. Cox introduced a bill (House bill No. 863) to be entitled "An act to amend an act entitled 'an act to encourage stockraising, and for the protection of stockraisers,' approved May 22, 1871," which was read the first time.

On motion of Mr. Cox the rules were suspended, House bill No. 863 read the second time and referred to the Committee on Agriculture and Stockraising.

On motion of Mr. Locke, the House at 1 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 27, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

On motion of Mr. Booty, Mr. Schutze was excused from attendance on the House to-day on account of sickness.

On motion of Mr. Evans, another member was ordered to be appointed to the select committee to examine into the conduct of the officers of the Comptroller's and Treasurer's offices in place of Mr. Schutze.

The Chair appointed Mr. Franks as such member.

By unanimous consent Mr. Evans introduced the following bills:

House bill No. 864, to be entitled "An act to amend section one four of 'an act to provide for the registration of voters,' approved July 11, 1870;" a bill (House bill No. 865) to be entitled "An act to amend section one of 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box,' approved August 15, 1870," which were read the first time, rules suspended, House bills Nos. 864 and 865 read second time, and referred to the Committee on Privileges and Elections.

Mr. Evans also introduced a bill (House bill No. 866) to be entitled "An act to encourage the manufacture of cotton and wool in this State," which was read the first time, rules suspended, and House bill No. 866 read the second time.

On motion of Mr. Evans the rules requiring all bills on their second reading to be referred to committees was suspended in this case and House bill No. 866 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Evans the rules were further suspended and House bill No. 866 read third time, passed and its title agreed to, two-thirds of the members present voting in the affirmative.

Mr. Evans also introduced a bill (House bill No. 867) to be entitled "An act supplementary to 'an act supplementary to an act supplementary and amendatory of an act to regulate railroad companies,' approved February 7, 1853, approved December 19, 1857," which was read the first time, rules suspended, read the second time and referred to Committee on Internal Improvements.

By unanimous consent Mr. Gardiner introduced a bill (House

bill No. 688) to be entitled "An act to incorporate the Odd Fellows Hall Association of Bryan," which was read the first time, rules suspended, read the second time and referred to the Committee on State Affairs.

By unanimous consent Mr. Jenkins introduced a bill (House bill No. 869) to be entitled "An act to incorporate the town of Comanche in the county of Comanche," which was read the first time, rules suspended, read the second time and referred to the Committee on Town and City Corporations.

On motion of Mr. Evans the rules were suspended to take up bills on their second reading.

House bill No. 852, to be entitled "An act for the relief of the heirs of John Short, deceased," was read the second time and referred to Committee on Claims and Accounts.

House bill No. 853, to be entitled "An act for the relief of persons who have lost certain property, after assessment, from paying taxes thereon," was read the second time and referred to the Committee on Finance.

House bill No. 854, to be entitled "An act authorizing the issuance of certificates to those entitled to bounty lands by virtue of the laws of the late Republic of Texas," was read the second time and referred to the Committee on Public Lands and Land Office.

House bill No. 855, to be entitled "An act authorizing and requiring the payment of certain claims against the State," was read the second time and referred to the Committee on Claims and Accounts.

House bill No. 856, to be entitled "An act to incorporate the Galveston Savings Bank and Trust Company," was read the second time and referred to the Committee on Finance.

House bill No. 857, to be entitled "An act granting to the city council of the city of Austin the right to erect suitable buildings for the use of the fire department of said city on certain real estate belonging to the State," was read the second time and referred to the Committee on Public Buildings and Grounds.

House bill No. 858, to be entitled "An act to incorporate the Home Insurance and Trust Company of Texas," was read the second time and referred to the Committee on Commerce and Manufactures.

House bill No. 859, to be entitled "An act relating to the preparation and sale of drugs and medicines," was read the second time and referred to the Committee on State Affairs.

House bill No. 860, to be entitled "An act incorporating a toll bridge on the Tahuacana at the crossing of the public road from Waco to Corsicana," was read the second time and referred to the Committee on Roads, Bridges and Ferries.

House bill No. 861, to be entitled "An act to repeal the third section of 'an act to amend an act to establish a State police, and provide for the regulation of the same,' approved July 1, 1870," was read the second time and referred to the Committee on Judiciary.

By unanimous consent Mr. Dorris offered the following resolution :

Resolved, That the Chairman of the Judiciary Committee be required to report on House bill No 657, on to-morrow at half-past 10 o'clock.

Resolution read first and second times.

Mr. Robertson moved to strike out "657" and insert in lieu thereof "92." Lost.

On motion of Mr. Robinson, the resolution was adopted.

The Chief Clerk was dispatched to the Senate to inform that body that the House had agreed to certain amendments to House bill No. 776, and had disagreed to amendment two thereto.

Also, that the House had disagreed to Senate amendment to House concurrent resolution No. 12, and had appointed a committee of conference consisting of three, on the part of the House, to confer with a like committee of two from the Senate, in relation to said resolution.

Also, informing that body that the House had passed, with amendments, Senate bills Nos. 171, 475, 178 and 504.

Also, transmitting for the concurrence of the Senate, House bills Nos. 407, 691, 713, 730, 792, 803, 809 and 810, and House joint resolution No. 37.

Also, for the signature of the president of that body enrolled House bills Nos. 337, 631 and 724, which were signed and returned to the House.

PETITION AND MEMORIALS.

Mr. Harn presented the petition of Joseph Lancaster, which was read and referred to the Committee on Claims and Accounts.

By unanimous consent Mr. Pierson introduced a bill (House bill No. 870) to be entitled "An act to authorize the County Court of Upshur county to levy and collect a special tax for the completion of a court house in said county," which was read the first time, rules suspended and read the second time.

On motion of Mr. Pierson, the rule requiring all bills on their second reading to be referred to committees, was suspended in this case, and House bill No. 870 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Pierson the rules were further suspended, and House bill No. 870 was read the third time, passed, and its title agreed to.

The Chair laid before the House, in accordance with a resolution adopted yesterday, the following list of the officers and employes of the House:

LIST OF OFFICERS AND EMPLOYES, HOUSE OF REPRESENTATIVES.

<i>Name.</i>	<i>Occupation.</i>	<i>Per Diem.</i>
L. J. Gallant.	Chief Clerk.....	\$8 00
W. H. Slaughter....	1st Ass't Clerk	8 00
John F. Stokes....	2d Ass't Clerk.....	8 00
S. G. Swan.....	Journal Clerk	8 00
W. C. Adams.....	Calendar Clerk.....	8 00
C. C. Williams....	Reading Clerk and Ass't Calender Clerk.	8 00
A. Schütze.....	Enrolling Clerk.....	8 00
E. Huppertz.....	Ass't Enrolling Clerk.....	8 00
R. E. Jennings....	Ass't Enrolling Clerk.....	8 00
L. Schlinger.....	Ass't Enrolling Clerk.....	8 00
E. T. Randle.....	Ass't Enrolling Clerk.....	8 00
H. C. Surghnor....	Engrossing Clerk.....	8 00
P. E. Caufield....	Ass't Engrossing Clerk	8 00
L. C. Grothaus....	Ass't Engrossing Clerk.....	8 00
E. Creary.....	Sergeant-at-Arms	8 00
C. H. Clauss.....	Ass't Sergeant-at-Arms.....	8 00
A. H. Cox.....	Ass't Sergeant-at-Arms....	8 00
M. Butler.....	Ass't Sergeant-at-Arms.....	8 00
J. Henderson.....	Doorkeeper	8 00
A. W. Whipple....	Ass't Doorkeeper.....	8 00
Peter Boren.....	Ass't Doorkeeper.....	8 00
Andy Majors.....	Ass't Doorkeeper.....	8 00
Henry Blair.....	Porter.....	5 00
A. Carrington	Porter	5 00
B. Sparks.....	Porter	5 00
A. N. Sheperley..	Porter.....	5 00
J. Busby.....	Porter.....	5 00
B. Duprée.....	Porter.....	5 00
C. Wheelock.....	Speaker's Page.....	4 50
W. Wilson.....	Page	4 00
W. Fullalove.....	Page	4 00
W. Pollard.....	Page.....	4 00
Q. Lorange.....	Page.....	4 00

J. Youngkin.....	Messenger.....	4 00
Albert Schutze.....	Messenger.....	4 00
James Smith.....	Messenger.....	4 00
C. Runge.....	Postmaster.....	8 00
C. W. Coe.....	Committee Clerk.....	8 00
L. J. Levin.....	Committee Clerk.....	8 00
R. N. Mills.....	Clerk Judiciary Committee.....	8 00

REPORTS OF COMMITTEES.

Mr. J. F. McKee, chairman of the Committee on Private Land Claims, submitted the following reports :

COMMITTEE ROOM,
Austin, Oct. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Private Land Claims, to whom was referred House bill No. 801, to be entitled "An act for the relief of the heirs of Christopher C. Williams, deceased," after due consideration, beg leave to recommend the passage of the bill without amendment.

J. F. McKEE, Chairman,
J. C. JENKINS,
R. WILLIAMS,
B. B. LACY,
W. C. PIERSON.

House bill No. 801 was then read, and ordered to be engrossed and passed to its third reading.

On motion of Mr. J. F. McKee, the rules were suspended, House bill No 801 read the third time, passed, and its title was agreed to.

COMMITTEE ROOM,
Austin, Oct. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Private Land Claims, to whom was referred House bill No. 802, to be entitled "An act to validate an act entitled 'an act for the relief of the heirs of Henry Roberts, deceased,' approved November 10, 1866," having carefully considered the same, beg leave to report back, and recommend the passage of the same without amendment.

J. F. McKEE, Chairman,
J. C. JENKINS,
W. C. PIERSON,
F. SCHLICKUM,
B. B. LACY,
R. WILLIAMS.

House bill No. 802 was then read, and ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM, }
Austin, Oct. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No 315, to be entitled "An act for the relief of the heirs of Philip H. Coe," after due consideration, beg leave to recommend its passage without amendment.

Respectfully,

J. F. McKEE, Chairman,
J. C. JENKINS,
R. WILLIAMS,
B. B. LACY,
W. C. PIERSON.

House bill No. 315, was then read.

Mr. Dupree moved to strike out the words "three hundred and twenty" and insert in lieu thereof the words "two hundred." Lost.

House bill No. 315 was then ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM, }
Austin, Oct. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was recommitted House bill No. 276, to be entitled "An act for the relief of James Hays," after due consideration, beg leave to recommend its passage without amendment.

Respectfully,

J. F. McKEE, Chairman,
J. C. JENKINS,
R. WILLIAMS,
B. B. LACY,
W. C. PIERSON.

House bill No. 276 was then read and ordered to be engrossed, and passed to its third reading.

COMMITTEE ROOM, }
Austin, Oct. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred "Petition of Benjamin L. Stramler for relief;" also, House

bill No. 333, to be entitled "An act for the relief of Benjamin L. Stramler," after due consideration, beg leave to recommend the passage of said bill without amendment.

Respectfully,

J. F. McKEE, Chairman.
J. C. JENKINS,
R. WILLIAMS,
B. B. LACEY,
W. C. PIERSON.

House bill No. 333 was then read and ordered to be engrossed and passed to its third reading.

Mr. J. F. McKee moved a suspension of the rules to put House bill No. 333 on its third reading and final passage. Rules not suspended.

Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, Oct. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 775, to be entitled "An act to confirm and make valid the acts of the District Court of Collin county, begun and held at the town of McKinney on the first Monday in July, 1871;" No. 792, to be entitled "An act to incorporate the Karnes County Bridge Company;" No. 803, to be entitled "An act to authorize James R. Harrington to erect a toll bridge over White Rock creek, in Hill county, Texas;" No. 809, to be entitled "An act to incorporate the Lone Star Ferry Company," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

COMMITTEE ROOM,
Austin, Oct. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bills No. 691, to be entitled "An act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled 'an act regulating public printing,' approved August 13, 1870;" No. 810, to be entitled

"An act concerning private corporations." Also, House joint resolution No. 37, "Substituting the term presiding justice in place of the term chief justice or county judge," and find the same correctly engrossed. Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

COMMITTEE ROOM,
Austin, Oct. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bills No. 407, to be entitled "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers;" No. 628, to be entitled "An act to authorize and empower the County Court of Burleson county to levy and collect a special tax for the purpose of building a court house and jail;" No. 713, to be entitled "An act to incorporate the Buffalo Warehouse and Compress Company," and No. 730, to be entitled "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditures of moneys arising from the same," and find the same correctly re-engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Reports accepted.

Mr. Youngkin, Chairman of the Committee on Printing and Contingent Expenses, submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Printing and Contingent Expenses, to whom was referred Senate bill No. 339, to be entitled "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas," having carefully considered the same, beg leave to report back, and recommend that it do pass without amendment.

H. C. YOUNGKIN, Chairman,
J. J. HAMILTON,
B. F. WILLIAMS,
H. R. ALLEN,
T. J. CHAMBERS,
W. W. DAVIS.

Senate bill No. 339 was then read.

Mr. Evans moved to amend section one by striking out the words "thirty thousand," and insert in lieu thereof the words "fifteen thousand," upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Evans, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Leonard, Lyons, McKee of Fannin, McLean, Miller, Mitchell, Moore of Red River, Posey, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp—37.

Nays—Messrs. Abbott of Austin, Cotton, Davis, Dorris, Franks, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Kendall, Locke, Medlock, Morris, Moore of Harrison, Patton, Pierson, Robinson, Shoemaker, Spencer, Stockbridge, Tinsley, Van Noy, Youngkin—24.

So the amendment was adopted.

On motion of Mr. Franks, section one was amended by inserting after the word "treasury" the words "not otherwise appropriated."

11 O'CLOCK A. M.

SPECIAL ORDER,

Viz : Senate bill No. 240, to be entitled "An act for the relief of R. S. Brame."

On motion of Mr. Austin, the consideration of the special order was postponed until Tuesday next at 11 o'clock A. M.

On motion of Mr. Evans, section one was amended by inserting after the words "Twelfth Legislature" the words "in the proportion of ten thousand dollars for the use of the House and five thousand dollars for the use of the Senate."

Mr. Johnson moved to strike out section one. Lost.

Senate bill No. 339 was then ordered to its third reading.

On motion of Mr. Franks, the rule requiring all bills making appropriations to be considered in Committee of the Whole House, was suspended in this case.

Senate bill No. 339 was then read the third time, and passed by the following vote :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Camp, Chambers, Cole, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Lacy, Leonard, Locke, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Schlickum, Schlotman, Shoemaker,

Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. Abbott of Hill, Booty, Bonner, Cotton, Hawkins, Jenkins, Kyle, McLean, Miller, Moore of Red River, Posey, Robertson, Ross, Self, Simmons, Smyth, Tegener, Weaver—18.

The title of the bill was agreed to.

By unanimous consent Mr. Robinson, Chairman of the Committee on Town and City Corporations, submitted the following reports:

COMMITTEE ROOM,
Austin, Oct. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I am instructed to recommend that House bill No. 804, to be entitled "An act to repeal 'an act to incorporate the city of Hearne,' approved April 11, 1871," which has been before your Committee on Town and City Corporations, be laid upon the table.

ROBINSON, Chairman,
F. G. FRANKS,
W. J. LOCKE,
D. W. BURLEY,
BOOTY, dissenting.

Mr. Robinson moved the adoption of the report, and that House bill No. 804 be laid on the table. Lost.

House bill No. 804 was then read, and on motion of Mr. Evans it was recommitted to the Committee on Town and City Corporations, with instructions to report amendments limiting the salaries of the officers and the area of land to be contained in the town of Hearne.

COMMITTEE ROOM,
Austin, Oct. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations have examined House bill No. 806, to be entitled "An act to repeal the act entitled 'an act to incorporate the town of Bremond,' approved August 13, 1870," and have instructed me to report the same back with the recommendation that it be laid on the table.

WILLIS G. ROBINSON, Chairman,
F. G. FRANKS,
W. J. LOCKE,
D. W. BURLEY,
BOOTY, Dissenting.

On motion of Mr. Robertson, House bill No. 806 was recommitted to the Committee on Town and City Corporations, with the same instructions as in the case of House bill No. 804.

COMMITTEE ROOM,
Austin, Oct. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, having had before them House bill No. 805, to be entitled "An act to repeal 'an act to incorporate the city of Hempstead, in the county of Austin,' approved March 13, 1871," and having given the same mature consideration, are unable to discover any reasons sufficient to warrant the passage of said act. They therefore recommend that it lie on the table.

Respectfully,

W. G. ROBINSON, Chairman,
F. G. FRANKS,
W. J. LOCKE,
D. W. BURLEY,
H. R. ALLEN.

House bill No. 805 was then read.

Mr. C. L. Abbott moved to lay House bill No. 805 on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Austin, Burley, Cole, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Haswell, Hawkins, Kendall, Lacy, Locke, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Moore of Harrison, Patton, Plumley, Posey, Robb, Robinson, Ross, Schlotman, Sheriff, Shoemaker, Stockbridge, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—43.

Nays—Messrs. Booty, Bonner, Camp, Chambers, Evans, Gaston, Jenkins, Kyle, Leonard, Lyons, McLean, Miller, Moore of Red River, Pierson, Robertson, Schlickum, Self, Simmons, Smyth, Spencer, Tegener, Van Noy, Zoeller—23.

So House bill No. 805 was laid on the table.

Mr. Franks, Chairman of Committee on Judiciary, submitted the following reports:

COMMITTEE ROOM,
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred the petition of Charles E. Beard asking that he be emancipated from

his minority, have had the same under consideration and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
H. W. YOUNG,
F. E. GROTHAUS,
J. D. GEORGE,
J. R. LOCKE,
J. H. MORRISON,
W. P. McLEAN,
J. E. HAWKINS.

On motion of Mr. Franks, the report was adopted and the petition laid on the table.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following House bills, to-wit: No. 337, to be entitled "An act to regulate proceedings in the district courts of the State of Texas;" No. 631, to be entitled "An act to provide that certified copies of patents, grants and titles, as recorded in the General Land Office, and of deeds and other instruments relating to land, recorded in any county of this State, may be read in evidence as original testimony;" No. 724, to be entitled "An act authorizing and requiring the Surveyor of Dallas county to transcribe certain records of his office, and to make a general index," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman,
F. E. GROTHAUS,
H. M. SHOEMAKER.

Report accepted.

Reports of Committee on Judiciary resumed :

COMMITTEE ROOM, }
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred the petition of Frank B. and James C. Hudson, have had the same

under consideration, and recommend that it be laid upon the table.

Respectfully,

FRANKS, Chairman,
H. W. YOUNG,
GROTHAUS,
GEORGE,
LOCKE,
MORRISON,
J. E. HAWKINS.

On motion of Mr. Franks, the report was adopted, and the petition laid on the table.

COMMITTEE ROOM. }
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 862, to be entitled "An act making an appropriation to supply the deficiencies existing for 1870 and 1871 for fees due district attorneys in felony cases," have had the same under consideration and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
H. W. YOUNG,
R. ZAPP,
F. E. GROTHAUS,
J. H. MORRISON,
J. R. LOCKE.

House bill No. 862 was then read.

On motion of Mr. Evans, the rule requiring all bills making appropriations to be considered in Committee of the Whole House was suspended in this case.

On motion of Mr. Posey section one was amended by inserting after the words "district attorneys" the words "district clerks, justices of the peace and sheriffs."

On motion of Mr. Franks section one was amended by striking out the words "fifty thousand" and inserting in lieu thereof the words "one hundred thousand dollars."

House bill No. 862 was then ordered to be engrossed and passed to its third reading.

Mr. Franks moved a further suspension of the rules to put House bill No. 862 on its third reading and final passage. Rules not suspended.

COMMITTEE ROOM,
Austin, Oct. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 316, to be entitled "An act authorizing the judges of the district court to remove justices of the peace for cause," have had the same under consideration and recommend its passage, with the following amendment: After the word "judge" in section one, line twelve, insert the words "after being duly cited, as the law directs, to appear in open court and show cause, if any he has, why such removal should not be made."

Respectfully,

F. G. FRANKS, Chairman,
JOHN H. MORRISON,
H. W. YOUNG,
ROBERT ZAPP.
F. E. GROTHAUS,
J. D. GEORGE,
W. P. McLEAN,
J. W. ROBERTSON, } dissenting.

On Motion of Mr. Evans, the amendment recommended by the Judiciary Committee was adopted.

Senate bill No. 316 was then read and ordered to its third reading.

Senate bill No. 316 was then read the third time.

On the passage of the bill the yeas and nays were called for and resulted as follows:

Yeas—Mr. Speaker, Abbott of Austin, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Plumley, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—38.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Gaston, Hawkins, Jenkins, Kyle, McKee of Fannin, McLean, Miller, Moore of Red River, Posey, Robb, Robertson, Ross, Self, Simmons, Smyth, Weaver—22.

So Senate bill No. 316 passed and its title was agreed to.

On motion of Mr. Ross the House, at 12:40 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 28, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Ellis and Prissick.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

Mr. Evans moved a suspension of the rules to allow him to offer a resolution; upon which the yeas and nays were called for, and resulted as follows.

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Dorris, Evans, Franks, Hamilton, Jenkins, Kendall, Kyle, Lacy, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Mitchell, Morris, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlotman, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, York, Zapp—45.

Nays—Messrs. Abbott of Austin, Cotton, Dupree, Gardiner, George, Grothaus, Harn, Haswell, Johnson, Medlock, Morrison, Moore of Harrison, Patton, Pierson, Schlickum, Stockbridge, Williams of Colorado, Youngkin, Zoeller—19.

So the rules were suspended and Mr. Evans offered the following resolution:

Resolved, That hereafter the officers and employes of this House shall consist of the following number, and of the grades below stated, and no person shall hereafter be employed in excess of those herein provided for, unless by resolution of the House to that effect, nor shall the Speaker issue or allow to be issued any certificate for *per diem* to any person purporting to be an officer or employé of this House in excess of those herein provided for, to-wit: One Sergeant-at-Arms, two assistants to the Sergeant-at-Arms, one Chief Clerk, one Journal Clerk, two assistants to the Chief Clerk, one Calender Clerk, one Engrossing Clerk, one Assistant Engrossing Clerk, one Enrolling Clerk, one Assistant Enrolling Clerk, one Clerk for Judiciary Committee, two general Committee Clerks, one Postmaster, four Porters, one Messenger, four Pages, one Reading Clerk, who shall also assist the Calendar Clerk.

Resolution read first and second times.

Mr. Harn moved to lay the resolution on the table, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Burley, Camp, Cotton, Cox,

Dupree, George, Grothaus, Harn, Haswell, Johnson, Kendall, Mitchell, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Stockbridge, Williams of Walker, York—21.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Dorris, Evans, Franks, Gardiner, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Morris, Moore of Red River, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Youngkin, Zapp, Zoeller—47.

So the House refused to lay the resolution on the table.

On motion of Mr. Evans the resolution was amended by inserting as one of the employés "one Journal Clerk."

Mr. Tinsley offered the following substitute:

WHEREAS, The Democracy were anxious to discover the pay, emoluments, avocation and "previous condition" of the employés of this House; and

Whereas, It is believed that the majority of the employés of this House are pilgrims from the "lost cause" and at present active members of the Democratic party; therefore be it

Resolved, That the Speaker of the House of Representatives is hereby instructed and required to report to this House, within three days, the political status of the employés thereof, and how many of them served in the Confederate army, how many of them served in the Union army, and how many of them voted the Republican ticket in the late election.

Resolved, That hereafter no "chicken pie" shall be dispensed to any "new departurist" or simon pure Democrats, as they are awfully averse to condiments of this sort.

Mr. C. L. Abbott moved to refer the resolution and substitute to a select committee of five, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Burley, Camp, Cotton, Cox, Dupree, Gardiner, George, Grothaus, Harn, Haswell, Johnson, Kendall, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Pierson, Shoemaker, Stockbridge, Tinsley, Williams of Walker, Youngkin, Zoeller—25.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Dorris, Evans, Gaston, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Leonard, Locke, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Morris, Moore of Red River, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self,

Sheriff, Simmons, Smyth, Spencer, Tegener, Van Noy, Weaver, Williams of Colorado, York, Zapp—41.

So the House refused to refer the resolution and substitute to a select committee.

Mr. Robinson moved to lay the substitute on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Camp, Cotton, Dupree, George, Grothaus, Haswell, Johnson, Kendall, Mitchell, Morrison, Moore of Harrison, Patton, Shoemaker, Stockbridge, Zoeller—16.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Burley, Chambers, Cole, Cox, Dorris, Evans, Franks, Gardiner, Gaston, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lacy, Leonard, Locke, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Morris, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Spencer, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp—51.

So the House refused to lay the substitute on the table.

Mr. Evans moved to reject the substitute, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Dorris, Evans, Franks, Gardiner, Gaston, Hamilton, Hawkins, Jenkins, Kyle, Lacy, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Morris, Moore of Red River, Pierson, Plumley, Posey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Tegener, Van Noy, Weaver, Williams of Colorado, York, Young, Youngkin, Zapp—47.

Nays—Messrs. Abbott of Austin, Burley, Cotton, Dupree, George, Grothaus, Harn, Haswell, Johnson, Kendall, Locke, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Robinson, Stockbridge, Tinsley, Williams of Walker, Zoeller—21.

So the substitute was rejected.

10:30 o'clock A. M.

SPECIAL ORDER,

Viz: House bill No. 657 ordered to be reported on by the Judiciary Committee at this hour, by resolution adopted yesterday.

On motion of Mr. Franks, the special order was postponed for twenty-five minutes.

Mr. Evans moved to amend the resolution by adding "one door-keeper and two assistants."

Mr. Evans moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The main question being first on the adoption of the amendment offered by Mr. Evans, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Dorris, Dupree, Evans, Franks, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Leonard, Locke, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Mitchell, Morris, Patton, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stockbridge, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Burley, Cotton, George, Grothaus, Morrison, Moore of Harrison, Tegener, Tinsley—8.

So the amendment was adopted.

The question then recurred on the adoption of the resolution as amended, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Cox, Dorris, Evans, Franks, Gardiner, Gaston, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lacy, Leonard, Locke, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Morris, Pierson, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Van Noy, Weaver, Williams of Colorado, York, Young, Zapp—46.

Nays—Messrs. Abbott of Austin, Burley, Camp, Cotton, Dupree, George, Grothaus, Haswell, Kendall, Lorange, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, Youngkin, Zoeller—22.

So the resolution was adopted.

The Chair laid before the House the following communication:

DEPARTMENT OF STATE, }
Austin, Oct. 28, 1871. }

Hon. W. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your communication dated 27th instant, endorsing preamble and resolutions, passed by the House on the 26th of October, 1871, has been received, and I have the honor to reply that as soon as the election returns are compiled in accordance with law, I

will perform my duty without delay, and return the names of all persons elected to the House of Representatives.

I have the honor to remain, very respectfully, your obedient servant,

JAMES P. NEWCOMB,
Secretary of State.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 28, 1871. }

Hon. W. H. SINCLAIR:

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined House bill No. 771, to be entitled "An act to incorporate the Star Mining and Transportation Company," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman,
F. E. GROTHAUS,
H. M. SHOEMAKER,
J. W. POSEY.

Report accepted.

PETITIONS AND MEMORIALS.

Mr. Cox presented a petition from the citizens of Blanco county, praying for the passage of "An act prohibiting the sale of intoxicating liquors within two miles of Round Mountain," which was read and referred to the Committee on Education.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, viz.: No. 315, entitled "An act for the relief of the heirs of Philip H. Coe;" No. 333, entitled "An act for the relief of Benjamin L. Stramler;" No. 769, entitled "An act to establish a ferry across the Neches river at the Bodenhamer crossing, county of Houston;" No. 801, entitled "An act for the relief of the heirs of Christopher C. Williams, deceased;" No. 808, entitled "An act to incorporate

the Gatesville Bridge Company;" No. 813, entitled "An act to establish a ferry across Trinity river, at Prewitt's old mill;" No. 862, entitled "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August 31, 1870 and 1871, for fees due district attorneys in felony cases;" No. 866, entitled "An act to encourage the manufacture of cotton and wool in this State;" No. 870, entitled "An act to authorize the County Court of Upshur county to levy and collect a special tax for the completion of the court house in said county," and find the same correctly engrossed. Also, House bill No. 569, entitled "An act defining tenancies and prescribing how they shall be terminated," and find the same correctly re-engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Report accepted.

Mr. Slaughter presented a petition from the citizens of Hunt and Hopkins counties, which was read and referred to the Committee on Counties and County Boundaries.

Mr. Franks, Chairman of the Committee on Judiciary, submitted the following reports:

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 788, to be entitled "An act amendatory to 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," have had the same under consideration, and recommend its passage.

Respectfully,

FRANKS, Chairman,
LOCKE,
ZAPP,
YOUNG,
MORRISON,
GROTHAUS.

House bill No. 788 was then read and ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM,
Austin, May 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 664, to be entitled "An act to amend an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties," having had the same under consideration, respectfully report it back, and recommend its passage.

Very respectfully,

J. W. ROBERTSON, Chairman,
F. G. FRANKS,
J. C. JENKINS,
F. E. GROTHAUS,
WM. PRISSICK.

House bill No. 664 was then read, and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Jo. Abbott, the rules were suspended, and House bill No. 664 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Sept. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 702, to be entitled "An act to legalize and correct certain special laws," having had the same under consideration, respectfully report it back and recommend its passage.

Respectfully,

F. E. GROTHAUS, Chairman *pro tem.*,
W. J. LOCKE,
ROBERT ZAPP,
J. D. GEORGE,
JOHN H. MORRISON.

House bill No. 702 was then read.

SPECIAL ORDER—Resumed.

The Committee on Judiciary submitted the following report:

COMMITTEE ROOM,
Austin, May 5, 1871. }

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 657, to be entitled "An act to authorize magistrates and

mayors and aldermen of towns, to appoint persons to practice in their courts, other than regular qualified attorneys at law," having duly considered the same, respectfully report it back with the recommendation that it be laid on the table.

Very respectfully,

JOHN W. ROBERTSON, Chairman,
J. C. JENKINS,
F. G. FRANKS,
J. E. HAWKINS,
T. E. GROTHAUS,
J. W. POSEY,
WILLIAM PRISSICK.

Mr. Dorris moved to reject the report. Lost.

Mr. Slaughter moved to adjourn. Lost.

Mr. Franks moved to amend section one by striking out the word "authorize" and insert in lieu thereof the word "license."

On motion of Mr. Robertson the amendment was laid on the table, taking with it House bill No. 657.

On motion of Mr. B. F. Williams, the House at 12 o'clock M. adjourned until 10 o'clock A. M. Monday.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, October 30, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Ellis and Prissick.

On motion of Mr. Franks, the reading of yesterday's journal was dispensed with.

Mr. Harn moved a reconsideration of the vote by which the House adopted the following resolution on Saturday, after its being amended, viz:

Resolved, That hereafter the officers and employes of this House shall consist of the following number, and of the grades below stated, and no person shall hereafter be employed in excess of those herein provided for, unless by resolution of the House to that effect, nor shall the Speaker issue or allow to be issued any certificate for *per diem* to any person purporting to be an officer or employe of this House in excess of those herein provided for, to-wit: One Sergeant-at-Arms, two assistants to the Sergeant-at-Arms, one Chief Clerk, one Journal Clerk, two assistants to the Chief Clerk, one Calendar Clerk, one Engrossing Clerk, one Assistant Engrossing Clerk, one Enrolling Clerk, one Assistant Enrolling Clerk, one Clerk for Judiciary Committee, two general Committee Clerks, one Postmaster, four Porters, one Messenger, four Pages, one Reading Clerk, who shall also assist the Calendar Clerk.

Mr. Morris moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Dorris, Evans, Franks, Gardiner, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Miller, Morris, Pierson, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Smyth, Van Noy, Weaver, York, Young, Zapp—41.

Nays—Messrs. Abbott of Austin, Camp, Cotton, Cox, Dupree, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Walker, Youngkin, Zoeller—27.

So the motion to reconsider was laid on the table.

On motion of Mr. Dupree, Mr. Burley was excused from attendance on the House for five days, on account of sickness.

On motion of Mr. Robertson, Mr. R. L. Moore was indefinitely excused from to-day on account of sickness.

Mr. Franks moved a suspension of the rules to allow the introduction of bills. Rules not suspended.

Mr. Dorris moved a reconsideration of the vote by which the House laid on the table House bill No. 657 to be entitled "An act to authorize magistrates and the mayors and aldermen of towns to appoint persons to practice in their courts, other than regularly qualified attorneys at law."

Mr. Booty moved to lay the motion to reconsider on the table; upon which motion the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Cox, Dupree, Franks, Gardiner, George, Gaston, Grothaus, Haswell, Hawkins, Kendall, Kyle, Lacy, Lane, McKee of Fannin, McLean, Morris, Pierson, Robertson, Ross, Schlickum, Schlotman, Self, Sheriff, Simmons, Slaughter, Smyth, Tegener, Van Noy, Weaver, Williams of Colorado, Young, Zoeller—37.

Nays—Messrs. Abbott of Austin, H. R. Allen, Camp, Cotton, Dorris, Ellis, Evans, Hamilton, Harn, Jenkins, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Posey, Robb, Robinson, Spencer, Stockbridge, Tinsley, Williams of Walker, York, Youngkin, Zapp—31.

So the motion to reconsider was laid on the table.

By unanimous consent, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bills No. 276, to be entitled "An act for the relief of James Hays;" No. 664, to be entitled "An act to amend an act to organize the courts of justices of the peace and county courts and to define their jurisdiction and duties," and No. 802, to be entitled "An act to validate an act entitled 'an act for the relief of Henry Roberts, deceased,' approved November 10, 1866," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House joint resolution No. 30, "Authorizing and requiring a settlement of accounts of the late State Treasurer and refunding a balance ascertained to be due him," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman.

J. F. McKEE,

W. G. ROBINSON.

Reports accepted.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor, for his approval, the following House bills, to-wit: House bill No. 724, to be entitled "An act authorizing and requiring the surveyor of Dallas county to transcribe certain records of his office, and to make a general index;" House bill No. 631, to be entitled "An act to provide that certified copies of patents, grants and titles, as recorded in the General Land Office, and of deeds and other instruments relating to land recorded in any county of this State, may be read in evidence as original testimony;" House bill No. 337, to be entitled "An act to regulate proceeding in the district courts of the State of Texas."

GEO. T. HASWELL, Chairman.

Report accepted.

The Chief Clerk was dispatched to the Senate with the following Senate bills, which had been passed by the Senate with amendment: Senate bills Nos. 316 and 339.

Also, transmitting for the concurrence of the Senate: House bills Nos. 569, 664, 769, 801, 808, 813, 866, which had been passed by the House.

UNFINISHED BUSINESS,

Viz: House bill No. 702, to be entitled "An act to legalize and correct certain special laws."

[Mr. Slaughter in the chair.]

Select Committee from the Senate, composed of Senators Ruby, Pridgen and Cole, announced that Senator Flanagan had been elected President *pro tem.* of the Senate, President Campbell being sick.

Mr. Plumley moved to reject House bill No. 702, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Beatty, Camp, Chambers, Cole, Evans, George, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Fannin, McLean, Miller, Pierson, Plumley, Posey, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Slaughter, Symth, Spencer, Stockbridge, Tegener, Van Noy, Weaver, Williams of Walker, York, Young, Zapp, Zoeller—44.

Nays—Messrs. Abbott of Austin, Cotton, Dorris, Dupree, Franks, Gardiner, Hamilton, Harn, Kendall, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patton, Robinson, Schlotman, Shoemaker, Tinsley, Youngkin—20.

House bill No. 702 was rejected.

On motion of Mr. Franks, the rules were suspended to allow him, as Chairman of the Committee on Judiciary, to submit the following reports :

COMMITTEE ROOM,
Austin, May 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 319, to be entitled "An act to provide for the execution of deeds of conveyance to purchasers of lands at tax sales in certain cases ;" also House bill No. 383, to be entitled "An act to empower the sheriffs of the several counties of this State to make conveyance to purchasers of lands sold for taxes under an act approved November 10, A. D. 1866, entitled 'an act for the assessment and collection of taxes,' " having duly considered each separately, ask leave to report that another bill having in view the object sought to be obtained has already passed. Your committee therefore respectfully recommend that these bills be laid on the table.

Respectfully submitted,

JOHN W. ROBERTSON, Chairman,
F. G. FRANKS,
J. C. JENKINS,
F. E. GROTHAUS,
WILLIAM PRISSICK.

On motion of Mr. Morris, the report and bills were recommitted to the Judiciary Committee.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 780, to be entitled "An act to fix the venue in suits against railroads and other companies chartered by the Legislature of the State of Texas," have had the same under consideration, and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
W. P. McLEAN,
ROBERTSON,
J. D. GEORGE,
F. E. GROTHAUS,
H. W. YOUNG,
J. E. HAWKINS.
W. J. LOCKE,
J. H. MORRISON.

House bill No. 780 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were suspended, House bill No. 780 read the third time, passed and its title was agreed to.

COMMITTEE ROOM,
Austin, Oct. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 807, to be entitled "An act to amend section twenty-seven of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," have had the same under consideration, and recommend its passage, with the following amendment: In section two (2), line thirteen (13), insert the word "two" instead of "one."

Respectfully,

F. G. FRANKS, Chairman,
LOCKE,
ZAPP,
GROTHAUS.
YOUNG,
MORRISON,
GEORGE.

On motion of Mr. Grothaus, the amendment recommended by the committee was adopted.

House bill No. 807 was then read.

On motion of Mr. McLéan, section one was amended by striking out the words "thirty days" and inserting in lieu thereof the words "sixty days."

House bill No. 807 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were suspended, House bill No. 807 read third time, passed and its title was agreed to.

COMMITTEE ROOM,
Austin, Oct. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 460, to be entitled "An act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas," have had the same under consideration, and recommend its passage with the following amendment :

In section five, last line, strike out "two" before the word "hundred" and insert "one."

Respectfully,

F. G. FRANKS, Chairman,
W. J. LOCKE,
ROBERT ZAPP.
F. E. GROTHAUS,
H. W. YOUNG,
JOHN H. MORRISON,
W. P. McLEAN,

On motion of Mr. Franks, the amendment recommended by the committee was adopted.

Senate bill No 460 was then read and ordered to its third reading.

Senate bill No. 460 was then read the third time, passed, and its title was agreed to.

COMMITTEE ROOM,
Austin, May 5, 1871. }

Hon. IRA H. EVANS,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 644, to be entitled, "An Act authorizing justices of the peace to appoint attorneys to represent the State in criminal cases, coming up for trial or investigation before them, in the absence

of the district attorney," having duly considered the same, respectfully report it back and recommend its passage.

Very respectfully,

J. W. ROBERTSON, Chairman,
J. C. JENKINS,
F. G. FRANKS,
J. E. HAWKINS,
F. E. GROTHAUS,
J. W. POSEY,
WM. PRISSICK.

House bill No. 664 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were suspended, House bill No. 664 read the third time, passed, and its title was agreed to.

COMMITTEE ROOM, }
Austin, Oct. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your committee on Judiciary, to whom was referred House bill No. 824, to be entitled "An act to amend the two hundred and twenty-eighth section of 'an act prescribing the mode of proceeding in district courts in matters of probate,' approved August 15, 1870," have had the same under consideration, and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
LOCKE,
ZAPP,
GROTHAUS,
YOUNG,
MORRISON,
McLEAN.

House bill No. 824 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Franks the rules were suspended, and House bill No. 824 read the third time, passed, and its title agreed to.

COMMITTEE ROOM. }
Austin, Oct. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 492, to be entitled "An act to amend 'an act prescribing

the mode of proceeding in the district courts in matters of probate, approved August 15, 1870," have had the same under consideration, and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
W. J. LOCKE,
R. ZAPP,
F. E. GROTHAUS,
H. W. YOUNG,
J. H. MORRISON,
J. D. GEORGE.

Senate bill No. 492 was then read and ordered to its third reading.

Senate bill No. 492 read the third time, passed and its title was agreed to.

A message was received from the Senate, returning to the House House bills Nos. 713, 737 and 775, which that body had passed without amendment.

Also, House bill No. 742, which had been passed with amendment.

Also, transmitting, for the concurrence of the House, Senate bills Nos. 460, 489, 492 and 532.

Also, for the signature of the Speaker, enrolled Senate bills Nos. 171, 178 and 504, which were signed by the Speaker in open session and returned to the Senate.

The Chief Clerk also transmitting for the signature of the President of that body enrolled House bill No. 771, which was signed by the President and returned to the House.

COMMITTEE ROOM,
Austin, Sept. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House joint resolution No. 32, to be entitled "Joint resolution proposing an amendment to the Constitution of this State, to be known as article thirteen thereof," having duly considered the same, respectfully report it back and recommend its passage.

Respectfully,

F. E. GROTHAUS, Chairman *pro tem.*,
W. J. LOCKE,
ROBERT ZAPP,
J. D. GEORGE,
JOHN H. MORRISON.

House joint resolution No. 32 was then read.

On motion of Mr. Evans, the resolution was amended by adding a section three the following: "Nothing in this article contained shall be considered or construed as in any manner affecting or impairing any rights granted or secured by laws passed prior to the final adoption of this amendment.

House joint resolution No. 32 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus the rules were suspended, and House joint resolution No. 32 read the third time and passed by the following two-thirds vote:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Cole, Cotton, Cox, Dorris, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Moore of Harrison, Patton, Pierson, Plumley, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Smyth, Stockbridge, Tegener, Tinsley, Weaver, Williams of Walker, York, Youngkin, Zapp, Zoeller—55.

Nays—Messrs. Dupree, Haswell, Hawkins, Morrison, Robb, Robertson, Simmons, Williams of Colorado, Young—9.

The title of the bill was agreed to.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 715, for the relief of Hon. G. H. Noonan, have carefully considered the same, and respectfully report the same back to the House and recommend the passage of the bill with the following amendment:

Amend by adding to section one, "and the sum of six hundred and sixty dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the said G. H. Noonan.

Respectfully,

F. G. FRANKS, Chairman,
F. E. GROTHAUS,
J. H. MORRISON,
W. J. LOCKE,
ROBERT ZAPP,
H. W. YOUNG.

On motion of Mr. Franks the amendments recommended by the committee were adopted.

On motion of Mr. Franks, the rule requiring all bills making an

appropriation to be considered in a committee of the whole House, was suspended in this case.

House bill No. 715 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were suspended and House bill No. 715 was read the third time.

On motion of Mr. Franks, the further consideration of House bill No. 715 was postponed and made the special order for to-morrow at 11 o'clock A. M.

On motion of Mr. C. L. Abbott, the House at 12:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, October 31, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Franks, the reading of yesterday's journal was dispensed with.

The Chair laid before the House the following communication:

DEPARTMENT OF STATE, }
Austin, Oct. 31, 1871. }

L. J. GALLANT, Esq.,

Chief Clerk of the House of Representatives:

SIR: In compliance with the requirements of section thirty-seven, of the election law, approved August 15, A. D. 1870, I have the honor to furnish the following list of names of persons who have been elected to seats in the House of Representatives of this State, at the election held on the third, fourth, fifth and sixth days of October A. D. 1871: J. Polly, from Second District; A. D. Elam, from Third District; Frank Rainey, from Third District; J. A. B. Putnam, from Tenth District; W. C. Jones, from Tenth District; A. B. Gant, from Twenty-third District.

Very respectfully, your obedient servant,

J. E. OLDRIGHT, Acting Secretary of State.

Messrs. A. B. Gant, J. A. B. Putnam and Frank Rainey then came forward, qualified as members and took their seats.

On motion of Mr. Franks, the rules were suspended to allow him as Chairman of the Committee on Judiciary, to submit the following reports:

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 441, to be entitled "An act to amend the twenty-third section of 'an act prescribing the times of holding the district courts in the several judicial districts in the State of Texas,' approved August 10, 1870," have had the same under consideration, and recommend its passage.

Respectfully,

FRANKS, Chairman.
ZAPP,
LOCKE,
YOUNG,
GROTHAUS.

Senate bill No. 441 was then read and ordered to its third reading.

Senate bill No. 441 was then read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 564, to be entitled "An act to amend sections thirty and thirty-one of an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," have had the same under consideration and recommend that it be laid on the table.

Respectfully,

FRANKS, Chairman,
ZAPP,
GROTHAUS,
YOUNG,
LOCKE,
MORRISON.

On motion of Mr. Franks the report was adopted and House bill No. 564 laid on the table.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 405, to be entitled "An act supplementary to an

act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856," have had the same under consideration and recommend its passage.

Respectfully,

FRANKS, Chairman,
LOCKE,
ZAPP,
GROTHAUS,
YOUNG.

Senate bill No. 405 was then read.

On motion of Mr. Jenkins Senate bill No. 405 was amended by striking out the third section.

Senate bill No. 405 was then ordered to its third reading.

Senate bill No. 405 was then read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 374, to be entitled "An act to amend the Penal Code of the State of Texas," have had the same under consideration, and recommend its passage.

Respectfully,

FRANKS, Chairman,
ZAPP,
MORRISON,
LOCKE,
GROTHAUS,
YOUNG.

Senate bill No. 374 was then read and ordered to its third reading; read the third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, May 5, 1871. }

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 147, to be entitled "An act supplementary to 'an act to establish a code of criminal procedure for the State of Texas,'

approved August 26, 1856," having had the same under consideration, respectfully report it back and recommend its passage.

Very respectfully,

JNO. W. ROBERTSON, Chairman,
J. C. JENKINS,
F. G. FRANKS,
J. E. HAWKINS,
F. E. GROTHAUS,
J. W. POSEY,
WM. PRISSICK.

House bill No. 147 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Franks, the rules were suspended, and House bill No. 147 was read the third time, passed and its title agreed to.

Messrs. Elam and Polly then came forward, qualified and took their seats as members of the Twelfth Legislature.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 396, to be entitled "An act confirming the powers granted to the municipal authorities of the incorporated cities and towns of the State," have had the same under consideration, and recommend its passage.

Respectfully,

FRANKS, Chairman.
ZAPP,
YOUNG,
GROTHAUS,
LOCKE.

Senate bill No. 396 was then read and ordered to its third reading.

Senate bill No. 396 was then read the third time, passed and its title agreed to.

Mr. Dorris offered the following protest:

HOUSE OF REPRESENTATIVES,
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I beg leave to offer this as my protest against the action of the House in refusing to pass House bill No. 657:

1. The bill is a good one, a constitutional one, and injures no one.

2. The present law gives to a set of men exclusive rights, and denies others rights that are guaranteed to them by the bill of rights of the Constitution.

3. Our country requires such a bill to put down lawlessness and crime.

4. The attorneys have a schedule of prices that the poor man cannot pay, except by robbing his family of that portion of their property that is exempted from forced sale.

5. Last but *not least*, the lawyers take great stock in electing men for justices of the peace that are not fit to judge righteous judgment and who can be gulled by them.

Respectfully,

A. DORRIS,

Twenty-seventh District.

On motion of Mr. Slaughter, Mr. Ellis was excused for non-attendance on the House heretofore, and from attendance indefinitely.

Mr. Slaughter moved a suspension of the rules to take up Senate bill No. 525. Lost.

REPORTS OF COMMITTEES.

Mr. Plumley, Chairman of the Committee on Internal Improvements, submitted the following report :

COMMITTEE ROOM,
Austin, Oct. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 836, to be entitled "An act to incorporate the Trinity Navigation Company," having examined the same, respectfully report said bill and recommend its passage.

PLUMLEY, Chairman,
CHAMBERS,
MCLEAN,
ZAPP,
McKEE,
PATTON.

House bill No. 836 was then read.

Mr. Morrison moved to amend section two by striking out the words "and to all or such other points on said river as may be designated by said corporation."

Mr. Morrison moved to postpone the further consideration of House bill No. 836 until Wednesday week at 11 o'clock A. M.

11 o'clock, A. M.

SPECIAL ORDER,

Viz: House bill No. 715, to be entitled "An act for the relief of G. H. Noonan."

On motion of Mr. Locke the consideration of the special order was postponed until 11 o'clock A. M. to-morrow.

The Chief Clerk was dispatched to the Senate with the following Senate bills, which had been passed by the House without amendment: Nos. 374, 396, 441 and 492; also, returning Senate bills Nos. 405 and 460, passed with amendment.

A message was received from the Senate returning the following House bills passed by that body without amendment, viz.: Nos. 71, 79, 90, 110 and 407. Also, transmitting for the concurrence of the House, Senate bills Nos. 523, 536 and 537.

Also, that the Senate adhere to the following amendments to House bill No. 776, to which the House refused to agree, to-wit: Amend section five by adding thereto the words: "*Provided*, that the holder of any interest-bearing bond or bonds, as described in section four of this act, may retain possession of the original of such bond or bonds, and the Auditorial Board, created by the act to which this is a supplement, shall cause to be endorsed on said bond or bonds, the word "genuine," which endorsement shall be dated and signed by the President of the board, and shall be sufficient to authorize the payment of the principal and interest of such bonds, according to their tenor and effect; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the interest and principal of such bonds." Amend section two, line three, by inserting the words "not otherwise appropriated" after the words "purpose," and has appointed as a committee of conference, on part of the Senate, Senators Saylor, Bowers and Pettit to confer with a like committee on the part of the House.

On motion of Mr. Evans the rules were suspended and House bill No. 776 taken up out of its regular order.

Mr. Evans moved that a committee of five be appointed to confer with the committee appointed by the Senate to consider the Senate amendments to House bill No. 776. Carried.

The Speaker appointed Messrs. Evans, Johnson, Zoeller, McLean and Booty as the committee on the part of the House.

The question recurring on the motion of Mr. Morrison to postpone House bill No. 836, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Austin, Cotton, Dorris, Dupree, George, Grothaus, Harn, Haswell, Hawkins, Kendall, Lane, Lorange, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Morrison, Polly, Putman, Ross, Schlickum, Schutze, Slaughter, Stockbridge, Weaver, Williams of Walker, Youngkin—30.

Nays—Messrs. H. R. Allen, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gardiner, Gant, Gaston, Hamilton, Jenkins, Kyle, Lacy, Lyons, McLean, Moore of Harrison, Patton, Pierson, Plumley, Posey, Rainey, Robb, Robertson, Robinson, Schlotman, Self, Shoemaker, Simmons, Smyth, Tegener, Tinsley, Williams of Colorado, Zapp—35.

So the House refused to postpone the consideration of House bill No. 836.

The question recurring on the adoption of the amendment offered by Mr. Morrison, it was adopted.

Mr. Morrison moved to insert the name of A. T. Monroe as one of the incorporators. Lost.

Mr. Morrison moved to insert as one of the incorporators the name of W. A. Haygood.

Mr. C. L. Abbott moved to lay the amendment on the table. Lost.

The question recurring on the adoption of the amendment, it was not adopted.

Mr. Morrison moved to insert as one of the incorporators the name of J. G. Scott.

Mr. Booty moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The question being first on the adoption of the amendment offered by Mr. Morrison, it was not adopted.

On the question of ordering House bill No. 836 to be engrossed and passed to its third reading, the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. H. R. Allen, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Franks, Gardiner, Gant, Gaston, Hamilton, Jenkins, Kyle, Lorange, Lyons, McKee of Fannin, McLean, Morris, Moore of Harrison, Patton, Pierson, Plumley, Polly, Posey, Rainey,

Robb, Robertson, Robinson, Schlickum, Shoemaker, Simmons, Smyth, Tegener, Tinsley, Williams of Colorado, Youngkin, Zapp—39.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Austin, Cotton, Dorris, Dupree, George, Harn, Haswell, Hawkins, Johnson, Kendall, Lane, McKee of Guadalupe, Medlock, Mitchell, Morrison, Putnam, Ross, Schutze, Self, Slaughter, Spencer, Stockbridge, Weaver, Williams of Walker—26.

So House bill No. 836 was ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM, }
Austin, Sept. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 4, to be entitled "An act to incorporate the Island City Gas Company," having considered the same, the following named members of the committee recommend the passage of the bill.

PATTON,
CHAMBERS,
LOCKE,
ZAPP.

The undersigned, chairman of the Internal Improvement Committee, respectfully dissents from the above report, and recommends that the bill do not pass, but that it be laid upon the table.

PLUMLEY, Chairman.

Senate bill No. 4 was then read.

Mr. Jo. Abbot moved to lay Senate bill No. 4 on the table, upon which motion the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Bonner, Gant, Gaston, Hawkins, Kyle, Lane, McKee of Fannin, Polly, Posey, Putnam, Robb, Robertson, Ross, Self, Sheriff, Simmons, Weaver—20.

Nays—Messrs. Booty, Chambers, Cole, Cotton, Cox, Dorris, Dupree, Elam, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Jenkins, Kendall, Lacy, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Rainey, Robinson, Schlickum, Schlotman, Schutze, Shoemaker, Slaughter, Smyth, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—48.

H J—26

So the House refused to lay the bill on the table.

Senate bill No. 4 was then ordered to its third reading.

Senate bill No. 4 was then read the third time, passed and its title agreed to.

Mr. B. F. Williams moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

On motion of Mr. Schutze, the rules were suspended to allow the introduction of bills.

BILLS.

[Mr. Slaughter in the chair.]

Mr. Schutze introduced the following bills: A bill (House bill No. 871) to be entitled "An act to incorporate the Colorado and McDade Ferry Company;" a bill (House bill No. 872) to be entitled "An act concerning proceedings in justices' courts in certain cases;" A bill (House bill No. 873) to be entitled "An act to relieve Fred Meltner from paying State, county and municipal taxes on the sale of good, wares and merchandise in the State of Texas," which were read the first time.

Mr. Sinclair introduced a bill (House bill No. 874) to be entitled "An act to amend an act to incorporate the city of Galveston, and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter;" which was read the first time.

Mr. Grothaus moved that the House adjourn. Lost.

Mr. Plumley moved to reject House bill No. 874; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Cole, Dorris, Elam, Evans, Gant, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, Lorance, McKee of Fannin, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Schlickum, Schiotman, Self, Simmons, Tegener, Williams of Colorado, Zapp—30.

Nays—Mr. Speaker, Cotton, Cox, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Posey, Robinson, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Weaver, Williams of Walker, Youngkin, Zoeller—33.

So the House refused to reject the bill.

Mr. Morris offered the following bills: A bill (House bill No. 875) to be entitled: "An act amendatory of 'an act to prescribe the time of the annual meetings of the Legislature,' approved July 22, 1870;" a bill (House bill No. 876) to be entitled "An act to au-

thorize the County Court of Wharton county to levy a tax to build a jail at the county seat;" a bill (House bill No. 877) to be entitled "An act to incorporate the Houston Savings Bank;" a bill (House bill No. 878) to be entitled "An act to authorize Wallace Burns to erect a toll bridge over Black Cypress Bayou, in the county of Marion;" a bill (House bill No. 879) to be entitled "An act to amend 'an act to provide for the salary and fees of district attorneys,' approved August 11, 1870," and a bill (House bill No. 880) to be entitled "An act for the relief of the heirs of Alexander S. Green, deceased;" which were read the first time.

Mr. Lorance introduced a bill (House bill No. 881) to be entitled "An act validating bounty land warrant No. 480, issued by Adjutant General Jno. D. Pitts to John Bowlin, by assignee," which was read the first time.

Mr. Evans introduced a bill (House bill No. 882) to be entitled "An act to create the office of Assistant Attorney General of the State, to define the duties thereof, and to make an appropriation therefor," which was read the first time.

Mr. Robertson moved that the use of the Hall be granted to the Hon. A. Dorris, of Caldwell county, on Friday evening next, for the purpose of addressing the youth of Austin; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Mr. Speaker, Abbott of Austin, Abbott of Hill, Austin, Booty, Cole, Cotton, Dupree, Evans, Franks, Gardiner, Gaston, Grothaus, Hamilton, Harn, Hawkins, Kyle, Lacy, Lane, Leonard, Locke, Morris, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Robinson, Schlotman, Schutze, Self, Sheriff, Simmons, Slaughter, Stockbridge, Williams of Walker, Youngkin, Zapp—43.

Nays—Messrs. Cox, Dorris, Elam, George, Gant, Haswell, Jenkins, Kendall, McKee of Fannin, McLean, Medlock, Mitchell, Posey, Schliekum, Shoemaker, Spencer, Tegener, Williams of Colorado, Zoeller—19.

So the use of the Hall was granted.

On motion of Mr. Slaughter, the House at 1 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 1, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

On motion of Mr. Bonner Mr. York was excused for non-attendance on the House on yesterday, and from attendance to-day on account of sickness.

REPORTS OF STANDING COMMITTEES.

Mr. Plumley, Chairman of the Committee on Internal Improvements, submitted the following reports:

COMMITTEE ROOM,
Austin, Oct. 31, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 453, to be entitled "An act to incorporate the Paris and Bonham Tap of the Missouri, Kansas and Texas Railroad," having had the same under consideration, respectfully report the bill and recommend its passage.

Respectfully,

PLUMLEY, Chairman,
LOCKE,
PATTON,
WILLIAMS,
CHAMBERS,
ROBINSON,
McKEE.

Senate bill No. 453 was then read and ordered to its third reading.

Senate bill No. 453 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 31, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 454, to be entitled "An act to incorporate

the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company," having considered the same, beg leave to report said bill and recommend its passage.

PLUMLEY, Chairman.
ZAPP,
LOCKE,
CHAMBERS,
PATTON,
WILLIAMS,
McKEE.

Senate bill No. 454, was then read.

On motion of Mr. Evans, section one was amended by striking out after the words "and may do and perform all the acts," the words "or which are, or may be hereafter secured or granted by any general law to such corporations within the State."

On motion of Mr. Evans, the word "and" after the words "the right of way is hereby granted to the company through," in section seven was stricken out.

On motion of Mr. Evans, all of section seven was stricken out after the words "and maintenance of said road," and the following inserted in lieu thereof: "Said company shall acquire its right of way through lands patented or lands owned by private parties, in accordance with the provisions of the general railroad law of the State governing such matters."

Senate bill No. 454, was then ordered to its third reading; read the third time, passed, and its title agreed to.

Mr. Cox, Chairman of the Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM, }
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 840, to be entitled "An act to incorporate the Dramatic Society of Yorktown," having carefully considered the same, beg leave to report back, and recommend its passage without amendment.

A. M. COX, Chairman,
J. F. McKEE,
GASTON,
ROBB,
DUPREE,
JOHNSON.

House bill No. 840 was then read, and ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus, the rules were suspended, and House bill No. 840 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, Oct. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred Senate joint resolution No. 36, "Instructing and requesting our Congressional Delegates to urge upon Congress the reimbursement to cotton raisers of the cotton tax," etc., after due consideration, beg leave to report back and recommend its passage.

Respectfully,

A. M. COX, Chairman,
ROBB,
McKEE,
GASTON,
DUPREE.

Senate joint resolution No. 36 was then read and ordered to its third reading.

Senate joint resolution No. 36 was read the third time, passed and its title agreed to.

On motion of Mr. Locke the rules were suspended to take up Senate bills on their first reading.

Senate joint resolution No. 44 was then read the first time, rules suspended, read the second time and referred to the Committee on Claims and Accounts.

Senate bill No. 489, to be entitled "An act to incorporate the Texas Live Stock Insurance Company," was read the first time, rules suspended, read the second time and referred to the Committee on Agriculture and Stockraising.

Senate bill No. 507, to be entitled "An act in relation to county bridges," was read the first time, rules suspended, read the second time and referred to the Committee on Roads Bridges and Ferries.

Senate bill No. 508, to be entitled "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," was read the first time, rules suspended, read the second time and referred to the Committee on Finance.

Senate bill No. 518, to be entitled "An act to authorize the County Court of Marion county to issue coupon interest-bearing bonds for the building of a court house and jail, and to levy a tax to pay for the same," was read first time, rules suspended, read the second time and referred to the Committee on Finance.

Senate bill No. 523, to be entitled "An act to incorporate the Houston Turn Verein," was read the first time, rules suspended; read the second time and referred to the Committee on State Affairs.

Senate bill No. 525, to be entitled "An act supplemental to an act to amend 'an act to incorporate the Bank of Cleburne,' approved September 30, 1871," was read the first time, rules suspended, read the second time.

On motion of Mr. Locke, the rule requiring all bills on their second reading to be referred to committees, was suspended in this case and Senate bill No. 525 was ordered to its third reading.

On motion of Mr. Locke, the rules were further suspended, and Senate bill No. 525 read the third time, passed, and its title agreed to.

Senate bill No. 532, to be entitled "An act to incorporate the Gatesville Bridge Company," was read the first time; rules suspended, read the second time, and referred to the Committee on Roads, Bridges and Ferries.

Senate Bill No. 536, to be entitled "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," was read the first time; rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 537, to be entitled "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 10, 1870." Rules suspended, read the second time, and referred to the Committee on Judiciary.

On motion of Mr. Franks the rules were suspended to take up the business on the Speaker's table.

The veto message of the Governor, returning, with his objections, House bill No. 673, to be entitled "An act to authorize the County Court of Upshur county to levy a special tax for the completion of the court house in said county," was then read.

On motion of Mr. Franks, the consideration of the veto message of the Governor was postponed, and made the special order for Saturday week at 11 o'clock A. M.

On motion of Mr. Morris, the House agreed to the following Senate amendments to House bill No. 742, to be entitled "An act to incorporate the Richmond Bridge Company:—"

Strike out in last line of section five the word "fifty" and insert in lieu thereof the word "twenty-five."

A message was received from the Senate, requesting the House to return to the Senate, Senate bill No. 523; "An act to incorpo-

rate the Houston Turn Verein," for the purpose of reconsideration by the Senate.

Also, informing the House that the Senate had agreed to the House amendments to Senate bill No. 460, "An act to provide for and regulate mechanics', contractors', builders' and other liens in the State of Texas."

On motion of Mr. Franks, Senate bill No. 523 was ordered to be returned to the Senate in accordance with the request of that body.

[Mr. Booty in the chair.]

11 o'clock A. M.

SPECIAL ORDER,

Viz: House bill No. 715, to be entitled "An act for the relief of G. H. Noonan."

On motion of Mr. Locke, House bill No. 715 was laid on the table..

BILLS ON THIRD READING.

Senate bill No. 240, to be entitled "An act for the relief of R. S. Brame," was read the third time, and on its passage the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Camp, Cole, Cox, Dupree, Elam, Evans, Gardiner, Hamilton, Hawkins, Jenkins, Lane, Leonard, Locke, McKee of Guadalupe, McKee of Fannin, McLean, Morrison, Moore of Harrison, Pierson, Putnam, Rainey, Robertson, Robinson, Schlotman, Schutze, Slaughter, Stockbridge, Van Noy, Weaver, Young, Zapp—36.

Nays—Messrs. Chambers, Cotton, Dorris, Franks, Gant, George, Harn, Haswell, Johnson, Kendall, Kyle, Lacy, Lorange, Lyons, Medlock, Mitchell, Morris, Patton, Posey, Ross, Schlickum, Self, Shoemaker, Simmons, Smyth, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—31.

So the bill passed and its title was agreed to.

House joint resolution No. 30, "Joint resolution authorizing and requiring a settlement of accounts of the late State Treasurer, and refunding a balance ascertained to be due him," was read the third time.

The Chief Clerk was dispatched to the Senate with Senate bills Nos. 4 and 525, and Senate joint resolution No. 36, which the House had passed without amendment.

Also, returning Senate bill No. 454, passed with amendment,

and transmitting for the concurrence of the Senate, House bill No. 870. Also, informing the Senate that the Speaker had appointed a committee of conference to confer with a like committee from the Senate on House bill No. 776.

On the passage of House joint resolution No. 30, the yeas and nays were called for and resulted as follows:

Yeas—Mr. Speaker, H. R. Allen, Camp, Cox, Dupree, Evans, Evans, Franks, Grothaus, Hamilton, Harn, Jenkins, Johnson, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, McLean, Morrison, Patton, Pierson, Robertson, Schutze, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Young, Zapp—30.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Booty, Chambers, Cotton, Dorris, Elam, Gant, Gardiner, George, Gaston, Haswell, Hawkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, Medlock, Miller, Mitchell, Morris, Moore of Harrison, Polly, Posey, Putnam, Rainey, Robb, Robinson, Ross, Schlickum, Schlotman, Shoemaker, Simmons, Smyth, Spencer, Weaver, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—41.

So the House refused to pass the joint resolution.

A message was received from the Senate by the Secretary, returning the following House bills passed by that body without amendment: House bill No. 9, to be entitled "An act to incorporate the McKinney Academy Association;" House bill No. 10, to be entitled "An act to provide for transcribing the surveyors records;" House bill No. 42, to be entitled "An act to incorporate the Houston Water Works Company;" House bill No. 57, to be entitled "An act to incorporate the Philosophronian Society of Trinity University;" House bill No. 118, to be entitled "An act to incorporate the Excelsior Real Estate and Building Association;" House bill No. 207, to be entitled "An act to incorporate the Central Texas Agricultural and Mechanical Association;" House bill No. 209, to be entitled "An act to incorporate the Richmond Relief Dramatic Club of Richmond, Fort Bend county;" House bill No. 292, to be entitled "An act granting B. F. Colbert the privilege of constructing a ferry across Red River;" House bill No. 325, to be entitled "An act to authorize M. A. Tucker to erect a toll bridge over Big creek, near the Limestone and Falls county line;" House bill No. 326, to be entitled "An act to authorize M. A. Tucker to erect a toll bridge over Christmas creek, in Limestone county, Texas," and House bill No. 421, to be entitled "An act to create the county of Tegener." And with amendment: House bill No. 121, to be entitled "An act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858."

On motion of Mr. Slaughter, the House at 1 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 2, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Camp, the reading of yesterday's journal was dispensed with.

By unanimous consent Mr. Grothaus introduced a bill (House bill No. 883) to be entitled "An act to authorize the Superintendent of Immigration to pay the passage of immigrants from Chicago to Texas from the city of New Orleans to Texas."

By unanimous consent, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, Nov. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 147, to be entitled "An act supplementary to 'an act to establish a code of criminal procedure for the State of Texas,' approved August 26, 1856;" No. 807, to be entitled "An act to amend section twenty-seven of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" No. 836, to be entitled "An act to incorporate the Trinity River Navigation Company."

Also, House joint resolution No. 32, "Joint resolution proposing an amendment to the Constitution of this State, to be known as article thirteen thereof," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

COMMITTEE ROOM,
Austin, Nov. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 840, to be entitled

"An act to incorporate the Casino Society of Yorktown," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman.

J. F. McKEE,

W. G. ROBINSON.

COMMITTEE ROOM,
Austin, Oct. 31, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 644, to be entitled "An act authorizing justices of the peace to appoint attorneys to represent the State in criminal cases coming up for trial or investigation before them, in absence of the district attorney;" No. 780, to be entitled "An act to fix the venue in suits against railroad and other companies chartered by the Legislature of the State of Texas;" No. 788, to be entitled "An act amendatory of an act entitled 'an act to organize the courts of justices of the peace and county courts and to define their jurisdiction and duties,' approved August 13, 1870;" No. 824, to be entitled "An act to amend section two hundred and twenty-eight of 'an act prescribing the mode of proceeding in district courts in matters of probate,' approved August 15, 1870," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,

J. F. McKEE,

W. G. ROBINSON.

The caption of House bill No. 780 will require to be amended at the proper time, by making the caption outside coincide with the inside.

The Chair laid before the House the following veto message of the Governor, returning with the objections thereto House bill No. 631, to be entitled "An act to provide that certified copies of patents, grants and titles as recorded in the General Land Office, and of deeds and other instruments relating to land recorded in any county of this State may be read in evidence as original testimony."

EXECUTIVE OFFICE,

Austin, Nov. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: I return for reconsideration to the House of Representatives, where it originated, the act entitled "An act to provide that

certified copies of patents, grants and titles as recorded in the General Land Office, and of deeds and other instruments relating to land recorded in any county of this State may be read in evidence as original testimony."

I am of the opinion that this act, in its effect, has not received from the Legislature that scrutiny it merits. It seems to me that if it becomes a law, it will open the door to all manner of fraudulent imposition in the way of manufactured documentary testimony in land suits. Under this act may be admitted as testimony a copy of a copy, and this to any extent, without notice to the opposite party, and without attempt to account for the absence of the original. As the law now stands, every reasonable opportunity is given to parties litigant for supplying documentary evidence, in good faith lost or destroyed. I therefore trust that the Legislature will, on reconsideration, determine to go no further in that line.

Very respectfully,

EDMUND J. DAVIS, Governor.

The Chair made the following assignments to Committees:

Mr. Elam to the Committees on Judiciary, Commerce and Manufactures and Private Land Claims.

Mr. Rainey to the Committees on Immigration and Counties and County Boundaries.

M. Gant to the Committees on Indian Affairs, Public Debt and Finance.

Mr. Polly to the Committees on Printing and Contingent Expenses, to Examine Comptroller's and Treasurer's Offices, and Penitentiary.

Mr. Putnam to the Committees on Public Lands and Land Office, Roads, Bridges and Ferries and Public Buildings and Grounds.

UNFINISHED BUSINESS,

Viz: Business on the Speaker's table.

On motion of Mr. Robinson the House agreed to the following Senate amendment to House bill No. 121, to be entitled "An act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858:" Strike out in last line the word "hereinbefore" and insert "hereinafter."

BILLS ON THIRD READING.

House bill No. 276, to be entitled "An act for the relief of James Hays," was read the third time, passed and its title agreed to.

House bill No. 315, to be entitled "An act for the relief of the heirs of Philip H. Coe," was then read the third time, passed and its title agreed to.

House bill No. 333, to be entitled "An act for the relief of Benjamin L. Stramler," was read the third time, passed and its title agreed to.

House bill No. 802, to be entitled "An act to validate an act entitled 'an act for the relief of the heirs of Henry Roberts, deceased,' approved November 10, 1866," was read the third time, passed and its title agreed to.

House bill No. 862, to be entitled "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August 31, 1870 and 1871, for fees due district attorneys in felony cases," was read the third time.

On motion of Mr. Franks, section one was amended by inserting after the words "district clerk" the words "justices of the peace."

The bill then passed by the following vote, the yeas and nays having been called for:

Yeas—Messrs. Abbott of Austin, Richard Allen, Booty, Bonner, Camp, Chambers, Cotton, Cox, Dupree, Evans, Franks, Gardiner, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morrison, Moore of Harrison, Patton, Plumley, Polly, Putnam, Rainey, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Slaughter, Smyth, Stockbridge, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—57.

Nays—Messrs. Abbott of Hill, H. R. Allen, Cole, Elam, Gant, McLean, Robertson, Simmons—8.

On motion of Mr. Franks the title was amended to read as follows: "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, justices of the peace, and sheriffs, in felony cases."

House bill No. 653 was read the third time.

Mr. Schutze moved to strike out section one.

Pending debate by Mr. Slaughter, Mr. Evans raised the point of order that the course of the debate by Mr. Slaughter was out of order.

The Chair decided the point of order not well taken.

Messrs. Evans and McLean appealed from the decision of the Chair.

Mr. Evans moved the previous question on the appeal. Previous question seconded.

The question recurring "Shall the main question be now put?" The main question was ordered.

The main question being "Shall the decision of the Chair stand as the decision of the House?" upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Cotton, Dupree, Gant, Gardiner, Grothaus, Johnson, Kendall, Lorange, Lyons, Medlock, Miller, Mitchell, Patton, Pierson, Rainey, Robinson, Schlickum, Schutze, Self, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Zoeller—32.

Nays—Messrs. Abbott of Hill, Booty, Camp, Chambers, Cole, Cox, Elam, Evans, George, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, McKee of Fannin, McLean, Morris, Morrison, Moore of Harrison, Plumley, Polly, Putnam, Robb, Robertson, Ross, Schlotman, Shelburne, Simmons, Smyth, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp—41.

So the appeal was sustained.

The question recurring on the motion of Mr. Schutze to strike out section one, it was lost.

Mr. Booty moved to amend section three, by adding after the word "town" the following: "or shall be guilty of hunting wild game or fishing."

Mr. Slaughter moved to amend the amendment by striking out the words "or fishing," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, R. Allen, Cotton, Dorris, Dupree, Elam, Gardiner, George, Grothaus, Hamilton, Hawkins, Johnson, Lacy, Lorange, McLean, Miller, Mitchell, Moore of Harrison, Patton, Plumley, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Van Noy, York, Zapp, Zoeller—39.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Cox, Franks, Gant, Gaston, Harn, Jenkins, Kendall, Kyle, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Morrison, Pierson, Polly, Robinson, Self, Shelburne, Smyth, Stirman, Tinsley, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin—34.

So the amendment to the amendment was adopted.

The question recurring on the adoption of the amendment, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Gant, Gaston, Harn, Hawkins, Jenkins, Kendall, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Pierson, Polly, Robb, Rob-

ertson, Robinson, Ross, Shelburne, Shoemaker, Slaughter, Smyth, Stirman, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—40.

Nays—Messrs. Abbott of Austin, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Haswell, Johnson, Kyle, Lacy, McLean, Miller, Mitchell, Morrison, Patton, Plumley, Putnam, Rainey, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Spencer, Stockbridge, Tegener, Van Noy, Zapp, Zoeller—34.

So the amendment was not adopted.

Mr. Slaughter moved to amend by adding, "or going visiting, or accepting moneys or rewards for preaching."

Mr. Robinson moved to lay the amendment on the table, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Dupree, Haswell, McKee of Guadalupe, Miller, Mitchell, Patton, Schlickum, Tegener—8.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Cox, Elam, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Medlock, Morrison, Moore of Harrison, Pierson, Plumley, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlotman, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—66.

So the House refused to lay the amendment on the table.

Mr. R. Allen moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" It was so ordered.

The main question being first on the amendment offered by Mr. Slaughter, the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Johnson, Miller, Mitchell, Patton, Schlickum, Slaughter, Spencer, Tegener, Zoeller—9.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Cox, Dupree, Elam, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Robinson,

Ross, Schlotman, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—65.

So the House refused to adopt the amendment.

The question then recurred on the passage of the bill, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Cox, Elam, Evans, Franks, Gant, Gardiner, George, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Fannin, McLean, Medlock, Morrison, Moore of Harrison, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—60.

Nays—Mr. Speaker, Dupree, Grothaus, Johnson, McKee of Guadalupe, Miller, Mitchell, Patton, Plumley, Robinson, Schlickum, Schutze, Slaughter, Spencer, Tegener, Zoeller—16.

So the bill passed and its title was agreed to.

The Chief Clerk was dispatched to the Senate with House bills Nos. 147, 276, 315, 333, 644, 780, 807, 824 and 840. Also, House joint resolution No. 32.

Also, returning Senate bill No. 240, which the House had passed without amendment.

Mr. Hamilton moved to reconsider the vote by which the House refused to sustain the Chair this day in his decision from which Messrs. McLean and Evans had appealed.

Mr. Camp moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Booty, Bonner, Camp, Cole, Elam, Evans, George, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Locke, McKee of Guadalupe, McKee of Fannin, Polly, Putnam, Robb, Robertson, Ross, Schlotman, Simmons, Symth, Weaver, Williams of Colorado, Young, Youngkin, Zapp—33.

Nays—Messrs. H. R. Allen, Richard Allen, Austin, Chambers, Cotton, Dupree, Franks, Gant, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Kendall, Lorange, Lyons, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Patton, Pierson, Plumley, Rainey, Robinson, Schlickum, Schutze, Self, Sheriff, Shoemaker, Slaughter,

Spencer, Stockbridge, Tegener, Tinsley, Williams of Walker, Zoeller—38.

So the motion to reconsider was not laid on the table.

Mr. Evans, chairman of the Conference Committee on the part of the House on House bill No. 776, to be entitled "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871," submitted the following report:

HOUSE OF REPRESENTATIVES, }
Austin, Nov. 2, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate, *pro tem.*,

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

GENTLEMEN: The Committee of Conference appointed by the two Houses to consider the causes of disagreement between the two Houses on certain Senate amendments to House bill No. 776, have performed their duty, and recommend that the House agree to the following Senate amendment: Amend section five by adding thereto the words: "*Provided*, that the holder of any interest-bearing bond or bonds, as described in section four of this act, may retain possession of the original of such bond or bonds, and the Auditorial Board, created by the act to which this is a supplement, shall cause to be endorsed on said bond or bonds, the word "genuine," which endorsement shall be dated and signed by the President of the board, and shall be sufficient to authorize the payment of the principal and interest of such bonds, according to their tenor and effect; and the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, to pay the interest and principal of such bonds," and that the Senate recede from the following amendment: Amend section two, line three, by inserting the words "not otherwise appropriated" after the word "purpose."

W. A. SAYLOR,
M. H. BOWERS,
E. PETTIT,

Managers on the part of the Senate.

IRA H. EVANS,
J. W. JOHNSON,
A. ZOELLER,
A. J. BOOTY,
W. P. McLEAN,

Managers on the part of the House.

On motion of Mr. Evans, the report was adopted.

Mr. R. Allen moved a reconsideration of the vote by which the House refused on yesterday to pass House joint resolution No. 30, "Joint resolution authorizing and requiring a settlement of accounts of the late State Treasurer, and refunding a balance ascertained to be due him."

Mr. Evans moved a reconsideration of the several votes on Senate bill No. 454, by which the House on yesterday adopted an amendment to section one thereof, ordered the bill to its third reading, and passed it.

On motion of Mr. R. Allen, the House at 1 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, Nov. 3, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Davis, Prissick and Van Noy.

On motion of Mr. Grothaus, the reading of yesterday's journal was dispensed with.

On motion of Mr. Evans, the journal of November first was amended so that his motion to amend section one of Senate bill No. 454, would read as follows: "On motion of Mr. Evans, section one was amended by striking out after the words 'and may do and perform all the acts' the words 'or which are or may be hereafter secured or granted by any general law to such corporations within the State.'"

On motion of Mr. Evans, the Chief Clerk was dispatched to the Senate to inform that body of the action of the House just taken.

Also, transmitting for the concurrence of the Senate, House bills Nos. 653 and 862, and returning to the Senate, Senate bill No. 523, as requested by that body.

On motion of Mr. Jenkins, Mr. Cox was indefinitely excused from attendance on the House from this date.

The Chair laid before the House the following veto message of the Governor:

GOVERNOR'S OFFICE, }
Austin, Nov. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return to the House of Representatives, where it origi-

nated, the act entitled "An act to regulate the proceedings in the district courts of the State," and ask that the same be reconsidered.

On examination of the statutes of the State it will be apparent that there has already been as much legislation on the subject of this act as can safely be ventured. At any rate all has been done that necessity requires, and this contains several provisions that may operate a good deal of harm. I call the attention of the Legislature to the accompanying opinion of the Attorney General in respect to the act under consideration:

Very respectfully,

EDMUND J. DAVIS, Governor.

ATTORNEY GENERAL'S OFFICE, }
Austin, Nov. 2, 1871. }

House bill No. 337 is respectfully returned to the Executive, with the following opinion:

This bill bears the same title with an act of a wider and more comprehensive nature, approved May 13, 1846.

It evidently amends that act without so much as referring to its title. Besides, while stating that it does not "repeal any of the laws of this State in force at the passage hereof," it does, in effect, repeal, supersede and supply section sixty-seven of said act (see Oldham & White's Digest, article 452), which contains an adequate provision for taking the deposition of any witness about to leave the State or county, or who is aged, sick, official, or a female.

As it is the right in general of parties litigant, under our system of jurisprudence, to have witnesses examined orally in open court, so that the jury may be able to form an opinion as to their credibility, from their mode of testifying and their bearing, this bill is manifestly in derogation of that right, which exists at common law as well as by virtue of our statutes. A right so important cannot with safety be abridged, and should in no case be circumscribed without the exercise of the greatest caution.

Why this bill should restrict the proof of service to the oath of affirmation of the party, his agent or attorney, is not perceived. The sheriff, not being interested, certainly ought not to be precluded from making a return showing service, and the oath or affirmation of an interested person made the sole proof, especially when such an oath or affirmation operates to prevent the opposite party from obtaining a continuance. This appears to be a most dangerous innovation.

The bill under consideration appears to be defective in so far as it fails to make any adequate and just provision as to the costs which it may occasion. Were it a law, and were the plaintiff in bringing

a suit to cause subpoenas to be issued for his witnesses, the defendant might nevertheless proceed to take the depositions of those witnesses, who being already subpoenaed might, and indeed ought to, attend court and testify. In case the plaintiff should lose his suit, as the law now stands the expenses of taking these depositions, made unnecessary and not allowed to be read in evidence on account of the attendance of the witnesses, would be taxed against him. This would be unjust, and in some cases might prove ruinous.

Finally, the bill provides that it shall take effect from its passage, which should never be the case, except when some emergency requires that a bill should so take effect. It is a gross injustice to the people of the State of Texas to cause them to be bound by a law which they cannot by any possibility have notice, unless some urgent State necessity demands that they should be so bound.

ALEXANDER, Attorney General.

Laid over under the rules.

UNFINISHED BUSINESS,

Viz: The motion of Mr. Hamilton, to reconsider the vote by which the House refused to sustain the decision of the Chair on the appeal taken yesterday in relation to the point of order raised by Mr. Evans, that the order of the debate by Mr. Slaughter was out of order.

Mr. B. F. Williams moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Camp, Cole, Cotton, Cox, Elam, Evans, George, Gaston, Harn, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Locke, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Moore of Harrison, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Schlotman, Simmons, Smyth, Stirman, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp—43.

Nays—Messrs. Abbott of Austin, H. R. Allen, Chambers, Gant, Gardiner, Grothaus, Hamilton, Johnson, Lorange, Lyons, Patton, Pierson, Robinson, Schlickum, Schutze, Self, Sheriff, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Youngkin, Zoeller—25.

So the motion to reconsider was laid on the table.

The motion of Mr. R. Allen to reconsider the vote by which the House refused to pass House joint resolution No. 30, "Joint resolution authorizing and requiring a settlement of accounts of the late

State Treasurer, and refunding a balance ascertained to be due him," next came up.

Mr. Lacy moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Austin, Booty, Bonner, Chambers, Cole, Cotton, Elam, Gant, Gardiner, George, Gaston, Harn, Haswell, Hawkins, Kyle, Lacy, Lane, Leonard, Medlock, Mitchell, Morris, Moore of Harrison, Polly, Posey, Putnam, Rainey, Robb, Robinson, Ross, Schlickum, Schlotman, Self, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Tinsley, Weaver, Youngkin—42.

Nays—Mr. Speaker, H. R. Allen, R. Allen, Camp, Cox, Evans, Grothaus, Hamilton, Jenkins, Johnson, Kendall, Locke, Lorance, Lyons, McKee of Guadalupe, McKee of Fannin, Miller, Morrison, Patten, Pierson, Plumley, Robertson, Schutze, Sheriff, Spencer, Stockbridge, Tegener, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—34.

So the motion to reconsider was laid on the table.

The motion of Mr. Evans to reconsider the several votes by which the House, amended, ordered to its third reading and passed Senate bill No. 454, on motion of Mr. Evans, the consideration of the motion to reconsider was postponed and made the special order for tomorrow at 10:30 o'clock A. M.

BUSINESS OF THE SPEAKER'S TABLE.

BILLS ON THIRD READING.

House bill No. 788, to be entitled "An act amendatory of an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," was read the third time.

Mr. Spencer moved to lay House bill No. 788 on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Cotton, Elam, Gaston, Hawkins, Lacy, Lane, McKee of Fannin, Miller, Polly, Posey, Rainey, Robb, Ross, Schlickum, Schlotman, Self, Sheriff, Spencer, Stirman, Tegener, Weaver, Zoeller—25.

Nays—Messrs. Abbott of Austin, Richard Allen, Booty, Bonner, Camp, Chambers, Cole, Cox, Evans, Franks, Gant, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Kyle, Leonard, Locke, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Putnam, Robertson, Schutze, Simmons, Smyth,

Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—47.

So the House refused to lay House bill No. 788 on the table.

On motion of Mr. Jenkins, House bill No. 788 was recommitted to the Committee on Judiciary.

House bill No. 836, to be entitled "An act to incorporate the Trinity River Navigation Company," was read the third time, passed, and its title agreed to.

By unanimous consent, Mr. Johnson, Chairman of the Committee on Finance, submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 767, to be entitled "An act for the relief of Colonel Thomas William Ward," having carefully examined the same, beg leave to report it back and recommend the adoption of the following amendments and the passage of the bill:

Amend section one, in line five, by striking out the words "two years prior to" and insert the word "from."

Amend section two, line one, by striking out the words "twenty-four," before the word "hundred," and insert the word "twelve."

Respectfully,

J. W. JOHNSON, Chairman,
JO. ABBOTT,
GEORGE,
YOUNG,
BOOTY,
AUSTIN,
ALLEN,
ZOELLER,
C. L. ABBOTT, dissenting.

On motion of Mr. Johnson the amendments recommended by the Committee on Finance were adopted.

House bill No. 767 was then read.

Mr. Morris moved to strike out the words "twelve hundred," before the word "dollars," and insert in lieu thereof the words "two hundred and fifty." Lost.

On motion of Mr. Evans the rule requiring all bills making an appropriation to be considered in a committee of the whole House was suspended in this case.

House bill No. 767 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Evans the rules were suspended and House bill No. 767 was read the third time and passed by the following two-thirds vote:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Chambers, Cole, Cox, Evans, Gant, Gaston, Grothaus, Harn, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, McKee of Fannin, Medlock, Miller, Morrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Simmons, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, York, Young, Zapp, Zoeller—50.

Nays—Messrs. Abbott of Austin, Bonner, Cotton, Dupree, Franks, Gardiner, George, Hamilton, Lyons, McKee of Guadalupe, Mitchell, Morris, Moore of Harrison, Patton, Shoemaker, Williams of Walker, Youngkin—17.

The title of the bill was agreed to.

BILLS ON SECOND READING.

House bill No. 871, to be entitled "An act to incorporate the Colorado and McDade Ferry Company," was read the second time and referred to the Committee on Roads, Bridges and Ferries.

House bill No. 872, to be entitled "An act concerning proceedings in justices' courts in certain cases," was read the second time and referred to the Committee Judiciary.

House bill No. 873, to be entitled "An act to relieve Fred Meltner from paying State, county and municipal taxes on the sale of goods, wares and merchandise in the State of Texas," was read the second time and referred to the Committee on Finance.

House bill No. 874, to be entitled "An act to amend an act entitled 'an act to incorporate the city of Galveston and to grant a new charter to said city, and to repeal all acts heretofore passed incorporating said city which may be in force by virtue of any existing charter,'" was read the second time and referred to the Committee on Towns and City Corporations.

House bill No. 875, to be entitled "An act amendatory of an act entitled 'an act to prescribe the time of the annual meetings of the Legislature,' approved July 22, 1870," was read the second time and referred to the Committee on Privileges and Elections.

House bill No. 876, to be entitled "An act to authorize the County Court of Wharton county to levy a tax to build a jail at the county seat," was read the second time.

On motion of Mr. Franks, the rule requiring all bills on their second reading to be referred to committees, was suspended in this

case and House bill No. 876 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were further suspended, and House bill No. 876 read the third time, passed, and its title agreed to.

House bill No. 877, to be entitled "An act to incorporate the Houston Savings Bank," was read the second time, and referred to the Committee on Commerce and Manufactures.

House bill No. 878, to be entitled "An act to authorize Wallace Burns to erect a toll bridge over Black Cypress Bayou, in the county of Marion," was read the second time and referred to the Committee on Roads, Bridges and Ferries.

House bill No. 879 to be entitled "An act to amend an act entitled 'an act to provide for the salary and fees of district attorneys,' approved August 11, 1870," was read the second time and referred to the Committee on Finance.

House bill No. 880, to be entitled "An act for the relief of the heirs of Alexander S. Green, deceased," was read the second time and referred to the Committee on Private Land Claims.

House bill No. 881, to be entitled "An act validating bounty land warrant No. 480, issued by Adjutant General John D. Pitts to John Bowlin," was read the second time and referred to the Committee on Private Land Claims.

House bill No. 882, to be entitled "An act to create the office of Assistant Attorney General of the State, to define the duties thereof, and to make an appropriation therefor," was read the second time and referred to the Committee on Judiciary.

House bill No. 883, to be entitled "An act to authorize the Superintendent of Immigration to pay the passage of immigrants from Chicago to Texas, from the city of New Orleans to Texas," was read the second time.

On motion of Mr. Grothaus, the rule requiring all bills on their second reading to be referred to committees was suspended in this case.

Mr. Grothaus moved to amend section one by striking out all after the enacting clause and inserting in lieu thereof the following:

"That the sum of (\$10,000) ten thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated, out of any funds not otherwise appropriated, to pay in part or in toto the passage of such Chicago emigrants from the city of New Orleans to any port or ports in this State; and the Comptroller is hereby required to issue his warrant upon requisition of the Superintendent of Immigration; and the Treasurer shall pay such warrant or warrants out of the above appropriation of ten thousand dollars."

On motion of Mr. Grothaus, the amendment was amended by inserting after the word "Chicago" the words "and other Western."

The question recurring on the adoption of the amendment as amended, the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Cox, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Putnam, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—34.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Chambers, Cole, Cotton, Elam, Gant, Gaston, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, Medlock, Miller, Mitchell, Polly, Posey, Rainey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Young—32.

So the amendment as amended was adopted.

On motion of Mr. Jenkins, the following proviso was inserted after the word "State:" "*Provided*, the Superintendent be satisfied as to the moral character of such emigrant, as also their intention to become citizens of Texas."

A message was received from the Senate, returning the following House bills, which had been passed by that body without amendment : House bills Nos. 714 and 803 ; also, No. 171 passed with amendment.

On motion of Mr. Grothaus, the rule requiring all bills making appropriations to be considered in a committee of the whole House, was suspended in this case.

Mr. Hawkins moved to lay House bill No. 883 on the table, upon which the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Cole, Elam, Gant, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, Miller, Mitchell, Patten, Polly, Posey, Rainey, Robb, Ross, Self, Simmons, Smyth, Stirman, Weaver, Young—32.

Nays—Messrs. H. R. Allen, Camp, Chambers, Cotton, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Morris, Morrison, Moore of Harrison, Pierson, Plumley, Robertson, Robinson, Schlickum, Schlotman, Schutze, Shoemaker, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—37.

So the House refused to lay the bill on the table.

Mr. Robertson moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being on ordering House bill No. 883 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Camp, Chambers, Cox, Dupree, Evans, Franks, Gardiner, Grothaus, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Locke, McKee of Guadalupe, Morrison, Moore of Harrison, Pierson, Plumley, Robertson, Robinson, Schlickum, Schlotman, Schutze, Shoemaker, Stockbridge, Tegener, Tinsley, York, Youngkin, Zapp, Zoeller—34.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Cole, Cotton, Elam, Gant, George, Gaston, Hawkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, Medlock, Miller, Mitchell, Morris, Patten, Polly, Posey, Rainey, Robb, Self, Simmons, Smyth, Stirman, Weaver, Williams of Colorado, Williams of Walker, Young—36.

So the House refused to order House bill No. 883 to be engrossed and passed to its third reading.

Mr. Morris moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Zapp moved a suspension of the rules to allow the introduction of resolutions. Rules suspended.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 3, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 775, "An act to confirm and make valid the acts of the District Court of Collin county, begun and held at the town of McKinney on the first Monday in July, 1871;" No. 713, "An act to incorporate the Buffalo Warehouse and Compress Company;" No. 79, "An act to provide for transcribing the land records of San Saba county;" No. 407, "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers;" No. 737, "An act to establish a ferry across the Sabine river at Mann's Bluff, in the county of Panola;" No. 71, "An act to incorporate the Jefferson Steam Fire Company No. 1, of the city of Jefferson;" No. 10, "An act to provide for transcribing the surveyors' records;" No. 421, "An

act to create the county of Tegener," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman,
F. E. GROTHAUS,
H. M. SHOEMAKER.
J. W. POSEY,

Report accepted.

Mr. Zapp offered the following resolution :

WHEREAS, The rules of this House require (in rule twenty-eight), that bills, resolutions and other papers referred to committees, shall be reported back to the House within ten days from the dates of their respective reference; and in rule sixty-seven, that all unfinished business of the session of each Legislature shall be considered first in order at the second session of the same Legislature; and,

Whereas, Some committees have made no report since the commencement of this session, and a great deal of unfinished business of the last session is still on hand; therefore, be it

Resolved, That from and after this date the House shall hold two sessions each day, one from 9:30 A. M. to 12 M., the other from 3:30 P. M. to 6 P. M., to continue until the above mentioned business is disposed of.

Resolution read the first and second times.

Mr. Schutze moved to lay the resolution on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Bonner, Cole, Dupree, Gant, Gardiner, Harn, Haswell, Hawkins, Johnson, Lacy, Locke, Lyons, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robb, Robertson, Robinson, Schlickum, Schutze, Sheriff, Simmons, Smyth, Tegener, Tinsley, Weaver, Williams of Colorado, Youngkin—35.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Chambers, Cotton, Cox, Elam, Evans, Franks, George, Gaston, Grothaus, Hamilton, Jenkins, Kendall, Kyle, Lane, Leonard, McKee of Guadalupe, McKee of Fannin, Pierson, Polly, Putnam, Rainey, Schlotman, Self, Shoemaker, Stirman, Stockbridge, Williams of Walker, York, Young, Zapp, Zoeller—34.

So the resolution was laid on the table.

Mr. Robertson offered the following concurrent resolution :

WHEREAS, His Excellency E. J. DAVIS, Governor of the State of Texas, did, on the ninth day of October, 1871, declare martial law in the counties of Limestone and Freestone, and did suspend the privilege of the writ of *habeas corpus* in and to said counties; and,

Whereas, a large armed force has been quartered upon the people of said counties for several weeks at a heavy expense, subjecting the citizens of all classes and conditions to the loss of personal liberty by restraint and imprisonment; and

Whereas, the Governor did, in his said proclamation of martial law, direct a penalty of \$50,000, to be levied and collected from the citizens of Limestone county; and

Whereas, in pursuance thereof an assessment of three per cent. upon all the taxable property of said county has been levied and is being collected, to the great detriment and ruin of said county; and

Whereas, the Legislature of the State was in session at the date of said proclamation, and was in nowise consulted with reference to the said declaration of martial law; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the action of his Excellency E. J. Davis, in declaring martial law in the manner aforesaid in the counties of Limestone and Freestone, be and the same is hereby disapproved, as being unnecessary to the ends of public justice and uncalled for, as the courts of the county were in the unobstructed exercise of their proper jurisdiction, and illegal, as the Legislature was then in session.

Resolved further, That the Governor be, and he is hereby requested and instructed to restore civil authority in said counties, and to withdraw all armed forces therefrom, and to disband the same, and that he inform this Legislature of the expenses of the same, that action may be had with reference thereto.

Resolved further, That the Speaker of the House of Representatives furnish his Excellency the Governor with a copy of this resolution.

Mr. Morris moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dupree, Gardiner, George, Haswell, Johnson, Kendall, Locke, Lyons, Medlock, Mitchell, Morris, Moore of Harrison, Patten, Robinson, Schlotman, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, York, Youngkin, Zoeller—26.

Nays—Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Franks, Gant, Gaston, Gröthaus, Hamilton, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, McKee of Fannin, Miller, Morrison, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Schutze, Self, Sheriff, Simmons, Smyth, Stirman, Tegener, Weaver, Williams of Walker, Young, Zapp—45.

So the House refused to adjourn.

Mr. Morris moved a call of the House. Call sustained.

Absent, not excused—Messrs. Davis, Van Noy and Prissick.

On motion of Mr. R. Allen the Sergeant-at-Arms was dispatched for the absentees.

Mr. Johnson moved that Mr. McLean be excused from attendance under the call. Lost.

Mr. Haswell moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dupree, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—33.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Schutze, Self, Sheriff, Simmons, Smyth, Stirman, Tegener, Weaver, Young—39.

So the House refused to adjourn.

Mr. Lyons moved that Mr. Van Noy be excused from attendance under the call. Lost.

Mr. Camp moved that Mr. Lorange be excused from attendance under the call. Lost.

Mr. Locke moved to adjourn until to-morrow at 10 o'clock A. M., upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dupree, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—33.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Schutze, Self, Sheriff, Simmons, Smyth, Stirman, Tegener, Weaver, Young—39.

So the House refused to adjourn.

Mr. Grothaus moved a suspension of the call of the House, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Camp, Cole, Cotton, Cox, Evans, Grothaus, Haswell, Locke, Moore of Harrison, Pierson, Williams of Walker, Young, Zapp, Zoeller—14.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Chambers, Dupree, Elam, Franks, Gant, Gardiner, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Morris, Patten, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, York, Youngkin—56.

So the House refused to suspend the call.

Mr. Zapp moved to adjourn until 4 o'clock this P. M., upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, Camp, Cotton, Cox, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Kendall, Locke, McKee of Guadalupe, Mitchell, Morris, Morrison, Moore of Harrison, Robinson, Schlotman, Shoemaker, Stockbridge, Tinsley, Williams of Walker, York, Youngkin, Zapp, Zoeller—28.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, Medlock, Miller, Patten, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Schlickum, Schutze, Self, Sheriff, Simmons, Smyth, Stirman, Tegener, Weaver, Williams of Colorado, Young—44.

So the House refused to adjourn.

Mr. C. L. Abbott moved to adjourn until 10 o'clock A. M. tomorrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Bonner, Camp, Cox, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Chambers, Cole, Cotton, Elam, Evans, Gant, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schutze, Self, Simmons, Smyth, Stirman, Tegener, Weaver, Young—37.

So the House refused to adjourn.

Mr. Robertson moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schutze, Self, Sheriff, Simmons, Smyth, Stirman, Tegener, Weaver, Young—40.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Robinson, Schlickum, Schlotman, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—35.

So the call was suspended.

Mr. Franks moved to adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—34.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schutze, Self, Simmons, Smyth, Stirman, Tegener, Weaver, Young—40.

So the House refused to adjourn.

Mr. Robertson moved the previous question. Previous question seconded.

The question recurring, " Shall the main question be now put ? " the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schutze, Self, Simmons, Smyth, Stirman, Tegener, Weaver, Young—39.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton,

Harn, Johnson, Kendall, Locke, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—36.

So the main question was ordered.

The resolution was then read the first time.

Mr. Locke moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Camp, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—37.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schutze, Self, Sheriff, Simmons, Smyth, Stirman, Tegener, Weaver, Young—40.

So the House refused to adjourn.

Mr. R. Allen moved a call of the House. Call sustained.

Absent, not excused—Messrs. Davis, Spencer, and Van Noy.

On motion of Mr. Robertson, the call was suspended.

Resolution read the second time.

Mr. Franks moved to adjourn until 10 o'clock A. M., Monday, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Cotton, Cox, Dorris, Dupree, Franks, George, Hamilton, Harn, Kendall, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Youngkin, Zoeller—26.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gardiner, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Fannin, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Weaver, Williams of Walker, York, Young, Zapp—50.

So the House refused to adjourn.

Mr. Robertson moved the adoption of the resolution.

On motion of Mr. Schutze, the further consideration of the resolution was postponed and made the special order for Monday, at 10 o'clock A. M.

Mr. Booty moved a reconsideration of the vote by which the House refused this day to order House bill No. 883 to be engrossed and passed to its third reading.

Mr. Schutze moved to adjourn until 10 o'clock A. M., Monday, upon which the yeas and nays were called for, and resulted as follows:

Yeas.—Messrs. Abbott of Austin, Bonner, Cotton, Harn, Haswell, Lyons, Miller, Posey, Robb, Schlickum, Schutze, Slaughter, Tegener, Williams of Colorado—14.

Nays.—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Camp, Chambers, Cole, Dorris, Dupree, Elam, Ellis, Evans, Franks, Gant, George, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Robinson, Ross, Self, Shelburne, Sheriff, Shoemaker, Simmons, Stirman, Stockbridge, Tinsley, Weayer, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—60.

So the House refused to adjourn.

On motion of Mr. Locke, the use of the hall was granted to Mrs. Talbot on Sunday evening next.

Mr. Johnson offered the following resolution:

Resolved, By the House of Representatives, that J. A. McMillan be allowed pay as Clerk of the Committee on Finance at six dollars per day.

Resolution read first and second times.

On motion of Mr. Johnson, the resolution was amended by adding "from and after the twentieth of September."

Mr. Locke moved that the resolution be laid on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas.—Messrs. Bonner, Chambers, Dorris, Elam, Ellis, Evans, Gant, Lane, Leonard, Locke, Lyons, Morris, Putnam, Rainey, Ross, Schlickum, Shelburne, Simmons, Smyth, Stirman, Weaver, Williams of Colorado, Zapp—23.

Nays.—Messrs. Abbott of Austin, Richard Allen, Booty, Camp, Cole, Cotton, Dupree, Franks, George, Grothaus, Harn, Haswell, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lorange, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Posey, Robb, Robertson, Robinson, Schutze, Self, Sheriff, Shoe-

maker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Walker, York, Young, Youngkin, Zoeller—48.

So the House refused to lay the resolution on the table.

Mr. Schutze moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the resolution, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Booty, Camp, Cole, Cotton, Dupree, Ellis, Franks, George, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lorance, McKee of Guadalupe, McLean, Medlock, Miller, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, York, Young, Youngkin, Zoeller—44.

Nays—Messrs. Bonner, Chambers, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Lane, Leonard, Locke, Lyons, McKee of Fannin, Mitchell, Morris, Polly, Putnam, Rainey, Ross, Schlickum, Self, Shelburne, Simmons, Stirman, Weaver, Williams of Colorado, Williams of Walker, Zapp—28.

So the resolution was adopted.

Mr. Robertson offered the following resolution :

Resolved, That the Committee on Internal Improvements be allowed a clerk from and after the first day of November.

Mr. R. Allen moved that the House adjourn until 10 o'clock A. M. Monday next. Lost.

On motion of Mr. Locke, the House at 2 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
 AUSTIN, TEXAS, November 4, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Davis, McLean and Prissick.

On motion of Mr. Austin, the reading of yesterday's journal was dispensed with.

On motion of Mr. Austin, J. R. McKee was indefinitely excused from Monday next.

The Chair laid before the House the following communications :

TREASURY DEPARTMENT, STATE OF TEXAS, }
 Austin, Nov. 3, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: I have the honor to present the following facts and suggestions relating to my office, and respectfully ask your honorable body to pass a resolution regulating the same.

I complain that the Comptroller of Public Accounts is, and has been, in the habit of receiving and retaining money drafts for several days at a time, contrary to law; that he gives public and private notice when he will pay moneys into the treasury. This course, in its effect on certain occasions, fills my office with State creditors, all pressing and eager for their claims, and is an annoyance to the office, and works favorable to the local creditors and against those who live remotely. To remedy this evil, and for self protection from this annoyance, I have heretofore ruled that the first person presenting claims against the State after the reception of moneys by me would be paid. The merchants and others taking advantage of this ruling, employ men and boys to stand in my office from morning until night, day after day, watching for deposits.

I respectfully ask, in view of these facts, that a resolution authorizing the Treasurer to pay the oldest claims or warrants *first* be passed by your honorable body. This would place such claims at once *at par* in the market, and establish the exact value of all other claims according to priority of date, as between the party selling and the purchaser. All warrants would then have a relative value, and holders thereof could tell with a degree of certainty when they would be redeemed.

Very respectfully, your obedient servant,

GEO. W. HONEY, Treasurer.

Laid over under the rules.

Mr. Spencer apologized for unparliamentary language used in the House yesterday.

On motion of Mr. Schutze the apology was received.

UNFINISHED BUSINESS.

Viz: The following resolution offered by Mr. Robertson yesterday :

Resolved, That the Committee on Internal Improvements be allowed a clerk from and after the first day of November.

Resolution read the first and second times, and on motion of Mr. Robertson it was adopted.

On motion of Mr. Harn the chairman of the select committee to examine the papers of the Adjutant General in relation to martial law in Hill and Walker counties, was authorized to employ a clerk.

On motion of Mr. Harn, Mr. Robertson was added to that committee.

Mr. Posey moved a suspension of the rules to allow the introduction of bills. Rules not suspended.

By request of Mr. Plumley, Mr. Evans moved that Mr. Plumley be excused from service on the committee to examine the manner of conducting business in the Comptroller's and Treasurer's office. Lost.

By unanimous consent, Mr. Morrison introduced a bill (House bill No. 884) to be entitled "An act to incorporate the Sabine and El Paso Railroad Company, and to provide for the aid of the State of Texas in constructing the same," which was read the first time.

10:30 o'clock A. M.

SPECIAL ORDER,

Viz: The motion of Mr. Evans, to reconsider the several votes by which the House Thursday amended, ordered to its third reading and passed, Senate bill No. 454, entitled "An act to incorporate the Rockport, Fulton, Larado and Mexican Pacific Railroad Company."

On motion of Mr. Evans the motion to reconsider was laid on the table.

Mr. Chambers moved to reject House bill No. 884.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Dorris, Elam, Evans, Franks, Gant, Gardiner, Gaston, Grothaus,

Hamilton, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, McKee of Fannin, Miller, Moore of Harrison, Polly, Putnam, Rainey, Robb, Robinson, Ross, Schlotman, Schutze, Self, Sheriff, Smyth, Spencer, Stirman, Tegener, Weaver, Williams of Colorado, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Camp, Cotton, Dupree, Ellis, George, Harn, Haswell, Hawkins, Johnson, Locke, Lorange, Lyons, Medlock, Mitchell, Morris, Morrison, Patten, Pierson, Plumley, Posey, Robertson, Schlickum, Shoemaker, Simmons, Slaughter, Stockbridge, Tinsley, Van Noy, Williams of Walker, York, Young, Youngkin—35.

So the main question was ordered.

The main question being on the motion of Mr. Chambers to reject House bill No. 884, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Dorris, Elam, Evans, Franks, Gant, Gaston, Grothaus, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Fannin, Polly, Putnam, Rainey, Robb, Ross, Schlotman, Self, Smyth, Stirman, Weaver, Williams of Colorado, Zapp, Zoeller—31.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Camp, Cotton, Dupree, Ellis, Gardiner, George, Hamilton, Harn, Haswell, Hawkins, Johnson, Kendall, Locke, Lorange, Lyons, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Schutze, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Walker, York, Young, Youngkin—44.

So the House refused to reject the bill.

Mr. Morrison moved a suspension of the rules to place House bill No. 884 on its second reading, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Camp, Cotton, Dorris, Dupree, Ellis, Franks, Gardiner, George, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Leonard, Locke, Lorange, Lyons, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Posey, Robb, Robertson, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—56.

Nays—Messrs. Abbott of Hill, Austin, Booty, Chambers, Cole, Elam, Evans, Gant, Grothaus, Lane, McKee of Guadalupe, McKee of Fannin, Putnam, Rainey, Ross, Schlotman, Self, Smyth, Zapp, Zoeller—26.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. Posey moved a suspension of the rules to allow the introduction of bills and joint resolutions. Rules not suspended.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 4, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, viz. : No. 767, to be entitled "An act for the relief of Colonel Thomas William Ward;" No. 876, to be entitled "An act to authorize the County Court of Wharton county to levy a tax to build a jail at the county seat," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Report accepted.

The Chair announced the following as the Committee on Internal Improvements: Plumley, chairman; Patten, Morrison, Haswell, Harn, Locke, Zapp, Robinson, B. F. Williams, McLean, Chambers, Lane.

Also, that in consequence of the absence of Mr. Butler, chairman of the Committee on State Affairs, he had appointed Mr. C. L. Abbott chairman of said committee.

Mr. Harn, as a question of privilege, offered the following resolution :

WHEREAS, Hon. A. D. Elam and F. Rainey, of the Third District, John Polly, of the Second District, and A. B. Gant, of the Twenty-second District, were legally elected at the late special election for members of this House; therefore, be it

Resolved, That said members are entitled to *per diem* pay dating from the twenty-second day of October last, and that the usual mileage be allowed them.

Resolution read the first and second times, and on motion of Mr. Schutze, it was amended by striking out the word "legally."

On motion of Mr. Harn, the resolution as amended was adopted.

REPORTS OF COMMITTEES

Mr. J. F. McKee, chairman *pro tem.* of the Committee on State Affairs, submitted the following reports :

COMMITTEE ROOM, }
Austin, Nov. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 868, to be entitled "An act to incorporate the Odd Fellows Hall Association of Bryan, Texas," having carefully considered the same, beg leave to report back, and recommend its passage, with the following amendments: In sections three and four strike out the word "coin" wherever it may occur in those sections. In section five strike out the words "in coin."

A. M. COX, Chairman *pro tem.*,
M. A. GASTON,
F. TEGENER,
J. F. McKEE,
DUPREE.

On motion of Mr. Gardiner, the amendments recommended by the committee were adopted.

House bill No. 868 was then read, and ordered to be engrossed and passed to its third reading.

On motion of Mr. Gardiner, the rules were suspended, and House bill No. 868 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 212, to be entitled "An act to incorporate the G. M. Johnson Lodge No. 97, I. O. O. F., at Starville, Texas," having carefully considered the same, beg leave to report back and recommend its passage without amendment.

Respectfully,

A. M. COX, Chairman *pro tem.*,
J. F. McKEE,
GASTON,
JOHNSON,
ROBB,
DUPREE.

Senate bill No. 212 was then read and ordered to its third reading.

Read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 820, to be entitled "An act to incorporate the Huntsville Union Benevolent Association," after due consideration, beg leave to report back and recommend its passage without amendment.

Respectfully,

A. M. COX, Chairman *pro tem.*,
ROBB,
McKEE,
GASTON,
DUPREE.

House bill No. 820 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Harn the rules were suspended, House bill No. 820 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 473, to be entitled "An act to incorporate the Texas Agricultural, Horticultural, Mechanical and Industrial Association of Waco," having carefully considered the same, beg leave to report back, and recommend its passage without amendment.

A. M. COX, Chairman, *pro tem.*
J. F. McKEE,
GASTON,
ROBB,
DUPREE,
JOHNSON.

Senate bill No. 473 was then read and ordered to its third reading.

Senate bill No. 473 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 361, to be entitled "An act to incorporate the

"Bryan Horticultural Society," having carefully considered the same, beg leave to report back, and recommend its passage without amendment.

A. M. COX, Chairman *pro tem.*,
J. F. McKEE,
GASTON,
JOHNSON.
ROBB,
DUPREE.

Senate bill No. 361 was then read and ordered to its third reading. Read the third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 362, to be entitled "An act to incorporate the Young Men's Real Estate, Building and Joint Stock Association of the town of Bryan," having carefully considered the same, beg leave to report back, and recommend its passage without amendment.

Respectfully,
A. M. COX, Chairman *pro tem.*,
J. F. McKEE,
GASTON,
JOHNSON,
DUPREE,
ROBB.

Senate bill No. 362 was then read and ordered to its third reading.

On motion of Mr. Haswell, Senate bill No. 362 was laid on the table.

COMMITTEE ROOM, }
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 79, to be entitled "An act to amend an act entitled 'an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico,'" after careful consideration, beg leave to recommend its passage with the following amendments, to-wit: In section one strike out the words "two hundred and fifty dollars" wherever they occur and insert "one hundred and fifty dol-

lars." Also, strike out the word "wounded," in same section, and insert "permanently disabled." Also, add at end of section one the following: "*Provided*, that those persons who have already drawn pensions of two hundred and fifty, or five hundred dollars, under 'an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico, approved August 13, 1870,' shall not be entitled to any of the benefits of this act until such time shall have elapsed as will equalize the payments received by them with the payments to be received by other pensioners as provided for in this act." Amend section four so that it shall read as follows: "Section 4. That all laws and parts of laws conflicting herewith be and the same are hereby repealed, and that this act take effect and be in force from and after its passage."

Respectfully,

A. M. COX, Chairman *pro tem.*,
GASTON,
ROBB,
J. F. McKEE,
DUPREE,
JOHNSON.

Mr. Evans moved that the further consideration of the report and bill be postponed and made the special order for Tuesday next at 11 o'clock A. M., and that the report, bill and amendments be printed. Carried.

COMMITTEE ROOM, }
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 842, to be entitled "An act to incorporate the Calvert Hebrew Benevolent Association, of Calvert, Texas," having carefully considered the same, beg leave to report back, and recommend its passage without amendment.

A. M. COX, Chairman *pro tem.*,
GASTON,
J. F. McKEE,
ROBB,
DUPREE,
JOHNSON,

House bill No. 842 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson the rules were suspended and House bill No. 842 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 843, to be entitled "An act to incorporate Gem Fire Company No. 2, of the city of Jefferson, Texas," having carefully considered the same, beg leave to report back, and recommend its passage without amendment.

A. M. COX, Chairman *pro tem.*,
GASTON,
J. F. McKEE,
ROBB,
DUPREE,
JOHNSON.

House bill No. 843 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Johnson, the rules were suspended, House bill No. 843 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 798, to be entitled "An act to incorporate the Victoria Society of Washington county," beg leave to report back and recommend the passage of the bill with the following amendment: In section two, strike out the word "British."

Respectfully,

A. M. COX, Chairman, *pro tem.*
McKEE,
TEGENER,
DUPREE,
GASTON, { Dissenting.
ROBB,

Mr. Dupree moved the adoption of the amendment recommended by the committee. Lost.

House bill No. 798 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Stockbridge, the rules were suspended and House bill No. 798 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 439, to be entitled "An act to exempt certain persons from serving on juries," after due consideration, beg leave to report back and recommend its passage with the following amendments: In section one, after the word "that," immediately following the enacting clause, insert the words "undertakers, druggists and." Strike out all of section two.

Respectfully,

A. M. COX, Chairman *pro tem.*,
ROBB,
McKEE,
GASTON,
DUPREE.

On motion of Mr. Morris, the first amendment recommended by the committee was adopted.

On motion of Mr. Gardiner, the second amendment recommended by the committee was adopted.

Senate bill No. 439 was then read and ordered to its third reading. Read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 795, to be entitled "An act to authorize the Governor to appoint some competent person to perform the duties of State Geologist until he shall find a suitable person for appointment as State Geologist, who shall be eligible to the office," are of opinion that the real effect of this bill would be to authorize the Governor to appoint an *incompetent* person to the office of State Geologist until he could find a suitable and competent one. This being obviously bad policy, they respectfully recommend that the bill be laid upon the table.

A. M. COX, Chairman *pro tem.*,
McKEE,
GASTON,
ROBB,
TEGENER,
DUPREE.

On motion of Mr. Posey, the report was adopted, and House bill No. 795 laid on the table.

COMMITTEE ROOM,
Austin, Oct. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 759, to be entitled "An act to regulate life insurance in the State of Texas," after careful consideration, beg leave to report back and recommend that it be laid on the table; and that the accompanying substitute, which, with a few necessary amendments, embodies all the features of the original bill, be passed in lieu thereof.

They also recommend that the said substitute, together with this report be printed and made the special order for an early day.

The speedy enactment of this law is considered by your committee of great importance to the interests of the State. It will not alone secure the people against fraud and imposition, but will protect the insurance business itself against bogus and insolvent companies. Laws of a similar character have proved necessary and are in force in New York, Illinois and other States, where the most healthy and stable companies will be found in operation.

Experience has proved that only by such restrictions and safeguards, can the assured have any guarantee of a return on his investment, or that his wife and children will, after his death, reap the benefit of his insurance and be protected from want.

Respectfully,

A. M. COX, Chairman *pro tem.*,
ROBB,
McKEE,
GASTON,
DUPREE,
JOHNSON.

On motion of Mr. Posey the further consideration of House bill No. 759, the report of the committee and the substitute recommended by them was ordered printed, postponed and made the special order for Wednesday next at 11 o'clock A. M.

The Chief Clerk was dispatched to the Senate to inform that body that the House had adopted the report of the conference committee on House bill No. 776.

Also, transmitting for the concurrence of the Senate, the following House bills: Nos. 769, 836 and 876, and for the signature of the President the following enrolled House bills, which had been signed by the Speaker in open session, House bills Nos. 10, 71, 79,

407, 713, 737 and 775, which were signed by the President and returned to the House.

The Chief Clerk also returned to the Senate the following enrolled Senate bills, which had been signed by the Speaker in open session: Nos. 374, 475, 492, 525, 396 and 339, also Senate joint resolution No. 30.

Mr. Johnson, chairman of the Committee on Finance, submitted the following reports:

COMMITTEE ROOM, }
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 739, to be entitled "An act to amend 'an act to incorporate the Bank of Texas;'" have carefully examined the same, and recommend its passage.

Respectfully,

J. W. JOHNSON, Chairman.

House bill No. 739 was then read, ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson, the rules were suspended, House bill No. 739 read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 791, to be entitled "An act amendatory to an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,'" having carefully considered the same, beg leave to report it back and recommend the adoption of the following amendment and the passage of the bill: Amend section one by adding "and it shall be the duty of the assessor to visit the residence of every widowed woman in his precinct to assess her property."

Respectfully,

J. W. JOHNSON, Chairman,
JO. ABBOTT,
C. A. ABBOTT,
GEORGE,
AUSTIN,
BOOTY,
ZOELLER,
YOUNG, dissenting.

On motion of Mr. Johnson the amendment recommended by the committee was adopted.

House bill No. 791 was then read.

Mr. Leonard moved to amend section one by striking out the words "or herself." Lost.

House bill No. 791 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson the rules were suspended, House bill No. 791 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 727, to be entitled "An act for the relief of Robert J. Tally, late sheriff, and John Wood, late District Clerk of McLennan county, Texas," having carefully considered the same, beg leave to report it back, and recommend that it do not pass.

J. W. JOHNSON, Chairman.

Mr. Johnson moved to lay House bill No. 727 on the table. Lost.

House bill No. 727 was then read, ordered to be engrossed, and passed to its third reading.

COMMITTEE ROOM,
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :—

SIR: Your Committee on Finance, to whom was referred the petition of the citizens of Kerr county for relief, to build a court house, having carefully considered the same, beg leave to report it back, and recommend that it be laid on the table.

J. W. JOHNSON, Chairman.

On motion of Mr. Franks, the report was adopted and the petition laid on the table.

COMMITTEE ROOM,
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred the petition of the County Court of Lavaca county, asking for aid to build a court house, having carefully considered the same, beg leave to report it back, and recommend that it be laid on the table.

J. W. JOHNSON, Chairman.

On motion of Mr. Leonard, the report was adopted and the petition laid on the table.

COMMITTEE ROOM,
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred petition of J. J. Woodson, "asking to be relieved from certain taxes," having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

J. W. JOHNSON, Chairman,
JO. ABBOTT,
C. A. ABBOTT,
GEORGE,
YOUNG,
BOOTY,
ZOELLER,
ALLEN,
AUSTIN, dissenting.

On motion of Mr. R. Allen, the report was adopted and the petition laid on the table.

A message was received from the Senate transmitting the following Senate bills and joint resolution for the signature of the Speaker, viz: Senate bills Nos. 339, 374, 396, 475, 492, 525, and Senate joint resolution No. 36, which were signed by the Speaker and returned to the Senate.

[Mr. Schutze in the chair.]

COMMITTEE ROOM,
Austin, Oct. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 774, to be entitled "An act releasing to the county of San Saba the State tax collected in said county during the years 1871 and 1872," having carefully considered the same beg leave to report it back and recommend that it do not pass.

J. W. JOHNSON, Chairman,
JO. ABBOTT,
C. A. ABBOTT,
GEORGE,
YOUNG,
BOOTY,
AUSTIN,
ALLEN,
ZOELLER.

On motion of Mr. Morris House bill No. 774 was laid on the table.

COMMITTEE ROOM,
Austin, Sept. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 705, to be entitled "An act to repeal the fifth section of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' having carefully considered the same, recommend that it be laid on the table, and the accompanying bill be adopted as a substitute and passed.

J. W. JOHNSON, Chairman.

On motion of Mr. Evans, House bill No. 705 was recommitted to the Committee on Finance.

Mr. Schutze, chairman of the Committee on Education, submitted the following reports :

COMMITTEE ROOM,
Austin, Nov. 4, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was referred House bill No. 822, to be entitled "An act abolishing the office of supervisor of education in each judicial district of the State, and providing for the appointment of one assistant superintendent of public instruction in each Congressional District of the State," having carefully considered the same, beg leave to report back, and recommend its passage, with the following amendments: Amend section two by striking out the following words: "One assistant superintendent of public instruction for each Congressional District in," and insert in lieu thereof the following: "Five assistant superintendents of public instruction for." Also, amend the caption so that it shall read: "An act abolishing the office of supervisor of education in each judicial district of the State, and providing for the appointment of five assistant superintendents of public instruction for the State."

J. SCHUTZE, Chairman,
SMYTH,
EVANS,
PLUMLEY,
COLE.

C. W. GARDINER, dissenting.

On motion of Mr. Schutze, the consideration of the report of the

committee was postponed and made the special order for Tuesday next, at 10:30 o'clock A. M.

COMMITTEE ROOM,
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 748, to be entitled "An act to incorporate the North Texas Collegiate Institute at Bonham," having carefully considered the same, beg leave to report it back, and recommend its passage without amendment.

JULIUS SCHUTZE, Chairman,
PLUMLEY,
YOUNGKIN,
GARDINER,
BURLEY,
PIERSON,
EVANS,
COLE,
ELLIS,
ROBB,
SMYTH.

House bill No. 748 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Austin the rules were suspended, House bill No. 748 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 833, to be entitled "An act to incorporate the Round Mountain Educational Company of Blanco County," having carefully considered the same, beg leave to report back and recommend its passage without amendment.

J. SCHUTZE, Chairman,
PLUMLEY,
YOUNGKIN,
GARDINER,
BURLEY,
PIERSON,
EVANS,
COLE,
ELLIS,
ROBB,
SMYTH.

House bill No. 833, was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Slaughter, the rules were suspended, House bill No. 833, read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 745, to be entitled "An act to incorporate Excelsior College," having carefully considered the same, beg leave to report back and recommend its passage without amendment.

JULIUS SCHUTZE, Chairman,
PLUMLEY,
YOUNGKIN,
GARDINER,
BURLEY,
PIERSON,
EVANS,
COLE,
ELLIS,
ROBB,
SMYTH.

House bill No. 745 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Morris, the rules were suspended, House bill No. 745 read the third time, passed and its title agreed to.

Mr. Slaughter, chairman of the Committee on Immigration, submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 31, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Immigration, to whom was referred Senate bill No. 472, to be entitled "An act to incorporate the Texas European Steamship and Land Company," having carefully considered the same, beg leave to report back and recommend that it pass without amendment.

SLAUGHTER Chairman,
SCHLICKUM,
JOHNSON,
HASWELL,
GASTON,
AUSTIN,
CHAMBERS.

Senate No. 472 was then read.

On motion of Mr. Locke section one was amended by striking out the last seven words of said section.

Senate bill No. 472 was then ordered to its third reading.

Senate bill No. 472 was read the third time and passed by the following vote, the yeas and nays having been called for:

Yeas—Messrs. Booty, Camp, Cole, Dorris, Dupree, Elam, Gardner, Grothaus, Haswell, Jenkins, Johnson, Kendall, Lacy, Leonard, Locke, Miller, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, York—32.

Nays—Messrs. Abbott of Hill, Richard Allen, Bonner, Chambers, Ellis, Franks, Gant, George, Gaston, Harn, Kyle, Lane, Lyons, McKee of Guadalupe, McKee of Fannin, Medlock, Mitchell, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Simmons, Smyth, Weaver, Williams of Colorado, Williams of Walker, Youngkin, Zapp—31.

The title of the bill was agreed to.

Mr. Camp, chairman of the Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM, }
Austin, Oct. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 811, to be entitled "An act authorizing the Commissioner of the General Land Office to issue land certificates in certain cases," having carefully considered the same, beg leave to report back and recommend its passage with the following amendment: In section one, after the words "Republic of Texas," insert "provides. The Commissioner of the General Land Office shall issue the land certificates to which the service entitles the respective parties under said laws, be the same bounty, donation or headright;" striking out all of that portion of section one after the words "Republic of Texas."

Respectfully,

CAMP, Chairman,
ZAPP,
COLE,
LYONS,
LACY,
WILLIAMS,
TEGENER,
POSEY.

On motion of Mr. Camp, the amendments recommended by the committee were adopted.

Mr. Morris moved to lay House bill No. 811 on the table, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Richard Allen, Bonner, Chambers, Dupree, Ellis, Franks, Grothaus, Hamilton, Medlock, Mitchell, Morris, Patten, Rainey, Robinson, Ross, Sheriff, Shoemaker, Simmons, Williams of Colorado—19.

Nays—Messrs. Abbott of Hill, Austin, Booty, Camp, Cole, Dorris, Elam, Evans, Gant, Gardiner, George, Gaston, Harn, Haswell, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McKee of Guadalupe, McKee of Fannin, Miller, Moore of Harrison, Pier-son, Plumley, Polly, Putnam, Robb, Robertson, Schlickum, Schlot-mán, Schutze, Self, Slaughter, Symth, Tegener, Tinsley, Weaver, Williams of Walker, York, Youngkin, Zapp, Zoeller—46.

So the House refused to lay House bill No. 811 on the table.

House bill No. 811 was then read and ordered to be engrossed and passed to its third reading.

Mr. Camp moved a suspension of the rules to put House bill No. 811 on its final passage.

On motion of Mr. Zoeller, the House at 1 o'clock P. M. ad-journed until 10 o'clock A. M. Monday next.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, Nov. 6, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called: Quorum present.

Absent, not excused—Messrs. Davis, Lorange and Prissick.

Mr. Tinsley moved to dispense with the reading of Saturday's journal. Lost.

The journal of Saturday was then read, amended and adopted.

On motion of Mr. Stockbridge, the rules were suspended to allow him, as Chairman of the Committee on Engrossed Bills, to submit the following report:

COMMITTEE ROOM, }
Austin, Nov. 6, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit:

No. 727, to be entitled "An act for the relief of Robert J. Talley, late sheriff, and John Wood, late district clerk of McLennan county, Texas;" No. 739, to be entitled "An act to amend an act entitled 'an act to incorporate the Bank of Texas,' approved March 22, 1871;" No. 745, to be entitled "An act to incorporate the Excelsior College;" No. 748, to be entitled "An act to incorporate the North Texas Collegiate Institute, at Bonhom;" No. 791, to be entitled "An act amendatory to an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" No. 798, to be entitled "An act to incorporate the Victoria Society of Washington county;" No. 820, to be entitled "An act to incorporate the Huntsville Union Benevolent Association;" No. 853, to be entitled "An act to incorporate the Round Mountain Educational Company of Blanco county;" House bill No. 842, to be entitled "An act to incorporate the Calvert Hebrew Benevolent Association, of Calvert, Texas;" House bill No. 843, to be entitled "An act to incorporate the Gem Fire Company No. 2, of the city of Jefferson, Texas;" and House bill No. 868, to be entitled "An act to incorporate the Odd Fellows Hall Association of Bryan, Texas," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Report accepted.

Mr. Dorris rose to a question of privilege in relation to a report of his speech, made on Friday evening, appearing in the *Democratic Statesman*.

Mr. Evans made the point of order that the subject was not a question of privilege.

The Chair decided the point of order well taken.

Messrs. Dorris and Dupree appealed from the decision of the Chair.

Mr. Robertson moved to lay the appeal on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Elam, Evans, Franks, Gant, George, Gaston, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, McKee of Fannin, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, York, Young, Youngkin, Zapp—64.

Nays—Messrs. Dorris, Dupree, Ellis, Lyons, McKee of Guadalupe, Slaughter—6.

So the appeal was laid on the table.

Mr. Evans moved a reconsideration of the vote by which the House laid on the table House bill No. 795, to be entitled "An act to authorize the Governor to appoint a competent person to perform the duties of State Geologist until he shall find a suitable person for State Geologist, who shall be eligible to the office."

On motion of Mr. Morris, Mr. Dorris was permitted to make a personal explanation.

10:30 o'clock A. M.

SPECIAL ORDER,

Viz: House concurrent resolution No. 13, in relation to martial law in Limestone and Freestone counties.

Mr. Plumley moved to strike out the following:

Whereas, a large armed force has been quartered upon the people of said counties for several weeks at a heavy expense, subjecting the citizens of all classes and conditions to the loss of personal liberty by restraint and imprisonment; and insert in lieu thereof the following:

"Whereas, an armed force has been quartered upon the people of said counties for several weeks past, at a heavy expense to said counties, and to the limitation of the personal liberty of the people therein."

Also, to add after the words, "whereas, the Legislature of the State was in session at the date of said proclamation, and was in no-wise consulted with reference to the said declaration of martial law," the following: "as we believe it should have been, to make said proclamation legal," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, Young—44.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—29.

So the amendments to the preamble were adopted.

Mr. Plumley moved to strike out the words "as being unnecessary to the ends of public justice and uncalled for, as the courts of the county were in the unobstructed exercise of their proper jurisdiction, and illegal, as the Legislature was then in session." Upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Stirman, Tegener, Van Noy, Weaver, Williams of Colorado, Young, Zapp—47.

Nays—Messrs. R. Allen, Cotton, Dorris, Franks, Gardiner, George, Gaston, Hamilton, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patton, Robinson, Shoemaker, Spencer, Stockbridge, Tinsley, Williams of Walker, York, Youngkin—26.

So the amendment was adopted.

On motion of Mr. Booty, Mr. J. F. McKee was excused from voting on the adoption of the resolution, he having paired off with Mr. R. L. Moore.

Mr. Haswell, Chairman of the Committee on Enrolled Bills, submitted the following reports :

COMMITTEE ROOM,
Austin, Nov. 6, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following bills, to-wit: House bill No. 776, to be entitled "An act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871;" House bill No. 121, to be entitled "An act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858;" House bill No. 742, to be entitled "An act to incorporate the Richmond Bridge Company;" House bill No. 9, to be entitled "An act to incorporate the McKinney Academy Association," and find the same correctly enrolled.

Respectfully,

GEORGE T. HASWELL, Chairman,
GROTHAUS,
POSEY,
SHOEMAKER.

COMMITTEE ROOM,
Austin, Nov. 6, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval, the following House bills, to-wit: No. 775, "An act to confirm and make valid the acts of the District Court of Collin county, begun and held at the town of McKinney, on the first Monday in July, 1871;" No. 713, "An act to incorporate the Buffalo Warehouse and Compress Company;" No. 79, "An act to provide for transcribing the land records of San Saba county;" No. 407, "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers;" No. 737, "An act to establish a ferry across the Sabine river at Mann's Bluff, in the county of Panola;" No. 71, "An act to incorporate the Jefferson Steam Fire Company No. 1, of the city of Jefferson;" No. 10, "An act to create the county of Tegener;" No. 771, "An act to incorporate the Star Mining and Transportation Company."

GEO. T. HASWELL, Chairman.

REPORTS ACCEPTED.

The Chief Clerk was dispatched to the Senate with the following Senate bills, which had been passed by the House without amendment: Nos. 212, 361, 439 and 473; also, Senate bill No. 472, which the House had passed with amendment; and transmitting for the concurrence of the Senate, House bills Nos. 739, 745, 748, 791, 798, 820, 833, 842, 843 and 868.

Mr. Zoeller moved that the House stand adjourned until to-morrow at 10 o'clock A. M., upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Dupree, Franks, Grothaus, Harn, Locke, Morris, Moore of Harrison, Patten, Robinson, Schlotman, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—21.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Dorris, Elam, Ellis, Evans, Gant, Gaston, Hamilton, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McKee of Fannin, McLean, Medlock, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Ross, Self, Shelburne, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, Young—49.

So the House refused to adjourn.

Mr. Morris moved a call of the House. Call sustained.

Absent, not excused—Messrs. Davis, Lorange and Prissick.

Mr. Pierson moved that Mr. Lorange be excused from attendance under the call of the House. Carried.

On motion of Mr. Robertson, the call of the House was suspended.

The question recurred on the adoption of the resolution as amended.

Mr. Robertson moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Dorris, Elam, Ellis, Evans, Gant, Gardiner, George, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, McLean, Miller, Morrison, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Spencer, Stirman, Tegener, Van Noy, Weaver, Young—53.

Nays—Messrs. Richard Allen, Cotton, Dupree, Franks, Grot-
haus, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell,
Morris, Moore of Harrison, Patten, Robinson, Schlickum, Schlot-
man, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Col-
orado, Williams of Walker, York, Youngkin, Zapp, Zoeller—26.

So the main question was ordered.

The main question being on the adoption of the resolution as amended, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, Young—44.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—33.

So the resolution was adopted.

Mr. Schutze moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, George, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Fannin, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young, Zapp—48.

Nays—Messrs. Richard Allen, Cotton, Dorris, Dupree, Franks, Grothaus, Hamilton, Haswell, Kendall, Locke, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Posey, Robinson, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—29.

So the House at 2:15 P. M. adjourned.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, November 7, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Grothaus, the reading of yesterday's journal was dispensed with.

By unanimous consent, Mr. Lorange was allowed to record his vote in the affirmative on the adoption of the concurrent resolution (Concurrent Resolution No. 13) in relation to martial law in Limestone and Freestone counties, adopted yesterday.

Mr. Morris announced the death of Lieutenant Governor Campbell, and moved that a committee of five be appointed to draft suitable resolutions in relation thereto. Carried.

The Speaker appointed Messrs. Morris, Johnson, Robinson, Robertson, and McLean as such committee.

On motion of Mr. Morris, the House at 10:05 o'clock took a recess for thirty minutes.

10:35 o'CLOCK A. M.

House called to order.

On motion of Mr. Morris, the House took a recess, not to exceed one hour, the Speaker being empowered to call the House to order as soon as the Senate committee should be in readiness to announce their message.

10:45 o'CLOCK, A. M.

House called to order.

The committee from the Senate, consisting of Senators Parsons,

Tendick and Dohoney; announced the death of Lieutenant Governor Campbell.

On motion of Mr. Morris, the committee appointed to draft resolutions relative to the death of Lieutenant Governor Campbell was allowed more time to prepare their report.

Mr. Morris moved that a committee of ten be appointed to act in conjunction with a like committee from the Senate, to make suitable arrangements for the funeral of Lieutenant Governor Campbell. Carried.

The Speaker appointed, as such committee, Messrs. Morris, Franks, Gardiner, Slaughter, Moore of Harrison, Morrison, Booty, Hawkins, Lane and Elam.

On motion of Mr. Morris, the House at 10:50 o'clock A. M. adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

4 o'CLOCK P. M.

House met pursuant to adjournment. Speaker Sinclair in the Chair. Roll called. No quorum present.

Mr. Elam moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

4:40 o'CLOCK P. M.

Quorum present.

A committee from the Senate, consisting of Senators Parsons, Pickett and Cole, announced that the Senate was in readiness to convey the remains of the late Lieutenant Governor to the Senate chamber, and requested the House to join therein.

On motion of Mr. Slaughter, the House adjourned to the Senate chamber.

5 o'CLOCK P. M.

House called to order.

On motion of Mr. Booty, the House at 5:05 o'clock P. M. adjourned until Thursday next at 1 o'clock P. M.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, November 9, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

On motion of Mr. Slaughter, the House adjourned until 1:30 o'clock this P. M.

1:30 o'CLOCK.

House called to order.

On motion of Mr. Morris, the House adjourned for fifteen minutes.

1:45 o'CLOCK.

House called to order.

On motion of Mr. Booty, the House took a recess of ten minutes.

1:55 o'CLOCK.

House called to order.

On motion of Mr. Robertson, the House adjourned until the Senate should be in readiness to deliver a message.

2:15 o'CLOCK.

House called to order.

A message was received from the Senate, by Senator Dohoney, announcing to the House that that body was in readiness to receive the House to participate in the funeral obsequies of the late Lieutenant Governor Campbell.

Mr. Robertson moved that the House proceed to the Senate Chamber. Carried.

On motion of Mr. Booty, the House adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, November 10, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the Chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

Journal of Tuesday, the seventh instant, and journal of yesterday read and adopted.

The Chair laid before the House a communication from the Hon. A. Bledsoe, in relation to an article appearing over the signature of George W. Honey, in the published proceedings of the Legislature of the fourth instant.

On motion of Mr. Tegener, the rules were suspended to take up the communication just read.

On motion of Mr. McLean, the communication was not spread on the journal; and it was referred to the special committee, appointed to examine into the offices of the Comptroller and Treasurer.

By unanimous consent Mr. Evans introduced a bill (House bill No. 885), "An act concerning the collection of public moneys," which was read the first time.

On motion of Mr. Morrison, the rules were suspended and House bill No. 885 was read the second time.

Mr. Jo. Abbott moved to reject House bill No. 885.

Mr. Evans moved that House bill No. 885 be referred to a select committee of three, with instructions to report on Monday next, at 11 o'clock A. M.; and that it be made the special order for that time.

Mr. Lane moved to postpone the further consideration of House bill No. 885 until the first day of January, 1872. Lost.

The question recurring on the motion of Mr. Evans, it was carried.

The Speaker appointed, as such committee, Messrs. Locke, McLean and Gaston.

On motion of Mr. Zoeller the rules were suspended to allow the introduction of bills and joint resolutions:

BILLS AND JOINT RESOLUTIONS.

Mr. Jenkins introduced a bill (House bill No. 886) to be entitled "An act to incorporate the Capitol City Club, of Austin, Texas," which was read the first time, rules suspended, read second time, and referred to the Committee on State Affairs.

Mr. Zoeller introduced a joint resolution (House joint resolution No. 38) "Joint resolution proposing an amendment to section one article nine of the Constitution of this State," which was read the first time.

Mr. Kyle introduced a bill (House bill No. 887) to be entitled "An act to authorize the late State Treasurer to institute sui against the State of Texas," which was read the first time; rules suspended, read the second time and referred to the Committee on Judiciary.

Mr. Gant introduced a bill (House bill No. 888) to be entitled "An act to incorporate the Northwestern Texas Land and Banking Company," which was read the first time; rules suspended, read the second time, and referred to the Committee on State Affairs.

Mr. Tinsley introduced a bill (House bill No. 889) to be entitled "An act to incorporate the Mount Enterprise Educational Company in Rusk county, Texas," which was read the first time; rules suspended, read the second time and referred to the Committee on Education. Mr. Tinsley also introduced a bill (House bill No. 890) to be entitled "An act to prohibit the sale of intoxicating and spirituous liquors in and within two miles of the town of Mount Enterprise in Rusk county, Texas," which was read the first time; rules suspended, read the second time and referred to the Committee on Education.

Mr. Gaston introduced a bill (House bill No. 891) to be entitled "An act to establish a ferry across the Neches river at Bates' Ferry, in Cherokee county," which was read the first time; rules suspended, read the second time, and referred to the Committee on Roads, Bridges and Ferries.

Mr. Schlickum introduced a bill (House bill No. 892) to be entitled "An act to incorporate the Medina Live Stock Company," which was read the first time; rules suspended, read the second time, and referred to the Committee on Agriculture and Stock-raising.

Mr. Lane introduced a bill (House bill No. 893) to be entitled "An act to amend the second section of an act entitled 'an act defining the homestead and other property exempt from forced sale in this State,' approved August 15, 1870," which was read the first time; rules suspended, read the second time, and referred to the Committee on Judiciary. Mr. Lane also introduced a bill (House bill No. 894) to be entitled "An act to suspend the levy or issue of executions in certain cases," which was read the first time; rules suspended, read the second time, and referred to the Committee on Judiciary.

Mr. Elam introduced the following bills: a bill (House bill No. 895) to be entitled "An act to amend section thirty-four of 'an act to organize the courts of justices of the peace and county courts, and to define their duties and jurisdiction,' approved August 13, 1870;" a bill (House bill No. 896) to be entitled "An act to amend 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870;" a bill (House bill No. 897) to be entitled "An act to release to the county of Houston the State tax for the year 1871, for the completion of a court house and jail in said county;" a bill (House bill No. 898) to be entitled "An act supplementary to and amendatory of 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871;" and a bill (House bill No. 899) to be entitled "An act to repeal

section three of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870, to apportion the counties thereof to the Second and Fourth Judicial Districts," which were read the first time.

Rules suspended, and House bills Nos. 896, 895 and 899 read the second time and referred to the Committee on Judiciary.

And House bill No. 897 read second time and referred to the Committee on Finance.

House bill No. 898 was read the second time and referred to the Committee on Education.

Mr. Lorance introduced a bill (House bill No. 900) to be entitled "An act to incorporate the Tyler Tap Railroad Company," which was read the first time, rules suspended, read the second time and referred to the Committee on Internal Improvements.

Mr. Robinson introduced a bill (House bill No. 901) to be entitled "An act to give effect to the general provisions of the Constitution in relation to the sale of intoxicating liquors in the immediate vicinity of any college or seminary of learning," which was read the first time, rules suspended, read the second time and referred to the Committee on Education.

Mr. Pierson introduced a bill (House bill No. 902) to be entitled "An act to amend section one of an act entitled 'an act to authorize county courts to levy a road tax and to improve roads and bridges,' passed August 4, 1870," which was read the first time, rules suspended, read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Pierson also introduced a bill (House bill No. 903) to be entitled "An act to repeal sections twenty-six and twenty-seven of an act entitled 'an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense,' approved June 24, 1870," which was read the first time, rules suspended and read the second time.

Mr. Burley moved to lay House bill No. 903 on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Cotton, Dupree, Franks, Gardiner, Grothaus, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—27.

Nays—Messrs. Abbott of Hill, H. R. Allen, Booty, Bonner, Camp, Elam, Ellis, Gant, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, Miller, Pierson, Plumley, Polly, Put-

nam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Smyth, Stirman, Tegener, Van Noy, Weaver, Young—36.

So the House refused to lay the bill on the table.

Mr. Robertson moved that House bill No. 903 be referred to the Committee on Militia, with instructions to report next Wednesday at 11 o'clock A. M.

Mr. Locke moved to amend, by making it the special order for that time. Lost.

The question recurring on the motion of Mr. Robertson, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young—45.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—28.

So House bill No. 903 was referred to the Committee on Militia.

Mr. Pierson also introduced a bill (House bill No. 904) to be entitled "An act to be entitled an act to amend section one of an act entitled 'an act to further amend the eleventh section of an act to provide for the registration of deeds and other instruments of writing, approved May 12, 1846,' approved May 6, 1871," which was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Mr. Haswell introduced a bill (House bill No. 905) to be entitled "An act to incorporate the Bryan Manufacturing Company," which was read the first time, rules suspended, read the second time and referred to the Committee on Commerce and Manufactures.

Mr. Gardiner introduced a bill (House bill No. 906) to be entitled "An act for the relief of Thomas F. McKenney," which was read the first time, rules suspended, read the second time and referred to the Committee on Claims and Accounts.

Mr. Sheriff introduced a bill (House bill No. 907) to be entitled "An act to establish a State police, and to provide for the regulation and government of the same," which was read the first time, rules suspended, read the second time and referred to the Committee on Militia.

Mr. Ross introduced a joint resolution (House joint resolution No. 39) "Joint resolution proposing an amendment to section four, article three, of the Constitution of the State of Texas," which was read the first time.

Mr. Camp introduced a bill (House bill No. 908) to be entitled "An act to provide for the division of the records in Refugio and Aransas counties, and their transfer to their proper counties," which was read the first time, rules suspended, read the second time and referred to the Committee on Counties and County Boundaries.

Mr. Evans introduced a bill (House bill No. 909) to be entitled "An act to incorporate the Cosmopolitan Club, of the City of Galveston, Texas," which was read the first time, rules suspended, read the second time and referred to the Committee on State Affairs.

Mr. Plumley introduced the following bills: a bill (House bill No. 910) to be entitled "An act to amend an act entitled 'an act to incorporate the Merchants' Mutual Insurance Company,'" which was read the first time, rules suspended, read the second time and referred to the Committee on State Affairs; a bill (House bill No. 911) to be entitled "An act to incorporate the Deposit Saving Association of Galveston," which was read the first time, rules suspended, read the second time and referred to the Committee on Commerce and Manufactures; a bill (House bill No. 912) to be entitled "An act for the protection of Dumb Animals," which was read the first time, rules suspended, read the second time and referred to the Committee on Agriculture and Stockraising; a bill (House bill No. 913) to be entitled "An act to incorporate the Lee Fire Company No. 5, of the city of Galveston," which was read the first time, rules suspended, read the second time and referred to the Committee on State Affairs.

Mr. Sheriff introduced a bill (House bill No. 914) to be entitled "An act to enable district clerks, justices of the peace, sheriffs and constables to demand and receive their fees of office before issuing or serving processes in civil cases," which was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Mr. McLean introduced a bill (House bill No. 915) to be entitled "An act to authorize David Colley, his associates and successors, to construct, own and keep a toll bridge on White Oak bayou, in Titus county," which was read the first time, rules suspended, read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Franks introduced the following bills: a bill (House bill No. 916) to be entitled "An act limiting the rates of charges on Rail Road transportation within the State of Texas,"

which was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary; a bill (House bill No. 917) to be entitled "An act amendatory of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," which was read the first time, rules suspended, read the second time and referred to the Committee on Finance; a bill (House bill No. 918) to be entitled "An act amendatory of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," which was read the first time, rules suspended, read the second time and referred to the Committee on Finance.

Mr. Locke introduced a bill (House bill No. 919) to be entitled "An act amending the second section of an act entitled 'an act to organize the courts of justices of the peace and county courts and to define their jurisdiction and duties,' approved August 13, 1870," which was read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Mr. Cole introduced a bill (House bill No. 920) to be entitled "An act for the disposal of the University Lands of the State," which was read the first time, rules suspended, read the second time and referred to the Committee on Public Lands and Land Office.

House bill No. 884, to be entitled "An act to incorporate the Sabine and El Paso Railroad Company, and to provide for the aid of the State of Texas in constructing the same" was then taken up; read the second time and referred to the Committee on Internal Improvements.

On motion of Mr. Robinson, Mr. Burley was excused for non-attendance on the House from the thirty-first ultimo.

On motion of Mr. Morris, Mr. Johnson was excused for non-attendance on the House to-day.

Mr. Morris offered the following concurrent resolution, (Concurrent Resolution No. 14):

Resolved, The Senate concurring, that the Twelfth Legislature of the State of Texas adjourn *sine die*, on Monday, the thirtieth of November, 1871, at 12 o'clock M.

Resolution read the first and second times.

On motion of Mr. Morris, the resolution was amended by striking out "Monday" and inserting in lieu thereof the word "Thursday."

Mr. Morrison moved that the concurrent resolution be referred to a select committee of five, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Bonner, Cotton,

Ellis, George, Harn, Lyons, Morrison, Patten, Plumley, Shoemaker, Youngkin—13.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Camp, Chambers, Cole, Dupree, Elam, Evans, Franks, Gant, Gardiner, Gaston, Grothaus, Hamilton, Haswell, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, McKee of Guadalupe, McLean, Medlock, Miller, Morris, Moore of Harrison, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp, Zoeller—58.

So the House refused to refer the concurrent resolution to a select committee.

On motion of Mr. Morris the resolution was amended by striking out the words, "Thursday, the 29th of November," and inserting in lieu thereof the words "Saturday, the 2d of December."

The question recurring on the adoption of the resolution as amended, it was adopted.

On motion of Mr. Evans the rules were suspended to take up the special orders which had been lost on Tuesday, Wednesday and Thursday: House bill No. 822, to be entitled "An act abolishing the office of supervisor of education in each judicial district of the State, and providing for the appointment of one assistant superintendent of public instruction in each Congressional district of the State."

The report of the majority of the Committee on Education was then read and the following minority report from said committee was presented:

COMMITTEE ROOM,
Austin, Nov. 7, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The minority of your committee, to whom was referred House bill No. 822, have the honor to present the following reasons for their dissent from the report of the majority:

The proposed reduction of the force of supervisors from thirty-five to twelve, was the result of the experience of the Board of Education, which must be admitted to be much more intimate as well as much more extensive than that of the members of the committee to whom the bill was referred. That reduction was proposed not because the Board failed to perceive the wisdom of having thirty-five supervisors, but solely from motives of economy, and with a view to devote the money saved by the curtailment to the payment of teachers' salaries *pro tanto*.

In proposing twelve, the board considered that that number was the minimum with which the system could be maintained with an adequate amount of supervisory influence.

Should the bill pass, as amended, the difficulties thrown in the way of a teacher who desires to pass an examination for a certificate will be multiplied. There will be only six men in the State to whom he can resort for that purpose. It will be necessary either to reappoint some of the examiners, who, having been appointed temporarily for the purpose of facilitating the acquirement of certificates by teachers, and of diminishing the labors of supervisors during the organization of the system, have since been discharged, or to entail on persons in quest of certificates the necessity of traveling, in many cases, from one to two hundred miles or more in order to attain their object. For five persons to attempt to exercise supervisory control in a State larger than France; to correspond with boards of school directors concerning the various scholastic matters requiring their interference; to consolidate reports of teachers' pay; to adjust difficulties that may arise over so extensive an area as will necessarily fall to the lot of each, would retard instead of expediting the transaction of all scholastic business. The districts should not be so large that the supervisor could not visit each county and be present at the exercises in each school in the district *at least once* every three months. To do this properly he will have to devote about a week to each county. Thus an average of ten counties to each supervisor is fully as many as he can do justice to, even if he is moving all the time.

The rules and regulations framed by the Board of Education for the government of public schools, which are just commencing to be properly understood throughout the State, would require to be thoroughly remodeled and republished, after all the expense that has been undergone already in their publication and circulation.

Should the Legislature reduce the number of supervisors to five, as recommended by the majority of this committee, it will necessitate an increase of the clerical force in the Superintendent's office of at least twenty additional clerks, and become necessary to authorize each assistant superintendent to employ a clerk so that, during his absence of months from his office, some one may be there to receive and answer official communications. Instead, therefore, of decreasing the expenses of the Educational Department (\$18,000) eighteen thousand dollars, as recommended by the Board of Education, it will increase them nearly (\$30,000) thirty thousand dollars.

It is for the Legislature to consider whether it is not more wise and prudent to trust to the experience of the Board of Education, than to the comparative inexperience of the majority of the members

of a committee as to the practical working of a system which has been no more than initiated, and concerning which no report is, as yet, due from nor has been submitted by the Superintendent of Education.

For the above and various other reasons, the minority of your committee dissent from the majority report and recommend that the amendments be rejected.

Respectfully,

CHAS. W. GARDINER.

Mr. Slaughter, moved to amend the amendment recommended by the majority of the committee, by striking out the word "five" and inserting in lieu thereof the word "twelve." Lost.

Mr. Evans moved to amend the amendment by striking out "five" and inserting "eight," upon which the yeas and nays were called for and resulted as follows:

Yeas.—Messrs. Abbott of Austin, Austin, Camp, Cole, Dupree, Evans, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lyons, Miller, Morris, Moore of Harrison, Plumley, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—30.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Booty, Burley, Chambers, Cotton, Elam, Gant, Gardiner, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, McLean, Medlock, Mitchell, Morrison, Patten, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Self, Shoemaker, Simmons, Smyth, Stirman, Tinsley, Van Noy, Weaver, Young—41.

So the House refused to adopt the amendment to the amendment.

Mr. Gardiner moved to amend the amendment by striking out the word "five" and inserting in lieu thereof the word "ten," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—36.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Elam, Gant, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Simmons, Smyth, Stirman, Van Noy, Weaver, York, Young—35.

So the amendment to the amendment was adopted.

The question recurring on the adoption of the amendment as amended, it was adopted.

Mr. C. L. Abbott moved that the House adjourn until 10 A. M. to-morrow. Lost.

On motion of Mr. Evans, section two was amended by striking out the words "two thousand," and inserting in lieu thereof the words "eighteen hundred."

Mr. Robertson moved to amend by inserting after the word "appoint" the words "by and with the advice and consent of the Senate." Lost.

House bill No. 822 was then ordered to be engrossed, and passed to its third reading.

On motion of Mr. Franks, the rules were suspended, House bill No. 822 read the third time and passed.

On motion of Mr. Evans, the title was amended to read as follows: "An act abolishing the office of supervisor of education in each judicial district of the State, and providing for the appointment of ten assistant superintendents of public instruction for the State," and as amended it was agreed to.

Mr. Franks moved that the use of the Hall be granted to Mrs. Talbot each Sunday evening this month, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Austin, Burley, Camp, Chambers, Dupree, Elam, Franks, Gardiner, Kendall, Locke, McKee of Guadalupe, Miller, Morris, Morrison, Moore of Harrison, Pierson, Plumley, Putnam, Rainey, Robinson, Ross, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Van Noy, Young, Zapp, Zoeller—33.

Nays—Messrs. Booty, Cole, Evans, Gant, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Lacy, Lane, Leonard, Lyons, McLean, Medlock, Mitchell, Polly, Robb, Robertson, Schlickum, Schlotman, Self, Smyth, Stirman, Tegener, Williams of Colorado, Williams of Walker, York, Youngkin—32.

So the use of the hall was granted.

Mr. Morris, chairman of the select committee, to draft resolutions in relation to the death of the late Lieutenant Governor Don Campbell, submitted the following resolutions:

WHEREAS, Death has removed from our midst, in the prime of his life and usefulness, the Hon. Don Campbell, Lieutenant Governor of the State; and

Whereas, In his death the administration and the Legislature of the State of Texas, of both which he was an honored member, the people of his district, and the whole people, of whom he was a worthy representative, have sustained a loss second only to the loss to society and to his bereaved family and kindred; and

Whereas, It is the duty of thoughtful men to submit without murmuring to dispensations that are inscrutable, the object or the end of which no one may see; therefore

Resolved, That we do humbly bow to that dispensation of death under which we do now mourn, and that the members of this House will wear the usual badge of mourning for the space of thirty days.

Resolved, That we do sincerely sympathize with the bereaved family and kindred of our deceased friend in this, to them, an irreparable loss; and the Speaker of the House is hereby requested to transmit to the family of the Honorable Don Campbell a copy of this preamble and resolutions.

Resolutions read the first and second times, and on motion of Mr. Burley they were unanimously adopted.

On motion of Mr. Booty, the House at 1:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, November 11, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No quorum present.

Mr. Grothaus moved a call of the House. Call sustained.

Absent, not excused—Messrs. C. L. Abbott, Chambers, Cotton, Dorris, Evans, Gaston, Harn, Hawkins, Kyle, Lyons, Miller, Prissick, Schutze, Simmons, Slaughter, B. F. Williams, Youngkin, Zapp and Zoeller.

On motion of Mr. B. R. Williams, Mr. Cotton was excused from attendance under the call.

Quorum present.

On motion of Mr. Jenkins the call of the House was suspended.

On motion of Mr. Morrison the reading of yesterday's journal was dispensed with.

By unanimous consent Mr. Booty introduced a bill (House bill No. 921) to be entitled "An act supplemental to 'an act prescribing the mode of proceeding in the district courts in matters of probate,' approved August 15, 1871," which was read the first time.

On motion of Mr. Booty, the rules were suspended and House bill No. 921 was read the second time and referred to the Committee on Judiciary.

By unanimous consent Mr. Chambers introduced a bill (House

bill No. 922) to be entitled "An act concerning roads and bridges," which was read the first time.

On motion of Mr. Grothaus the rules were suspended, and House bill No. 922 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

By consent Mr. Stockbridge was allowed to withdraw the petition and accompanying papers of R. Clocky.

UNFINISHED BUSINESS,

Viz: The special orders lost on Tuesday, Wednesday and Thursday, taken up yesterday.

On motion of Mr. Evans, House bill No. 79, to be entitled "An act to amend an act entitled 'an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico,' " was first considered.

On motion of Mr. Grothaus, the first amendment recommended by the committee was adopted.

On motion of Mr. Franks, the second amendment recommended by the committee was adopted.

On motion of Mr. Locke, the third amendment recommended by the committee was adopted.

On motion of Mr. Camp, the fourth amendment recommended by the committee was adopted.

On motion of Mr. Locke, section one was amended by inserting after the word "Mier" the words "and San Antonio."

Mr. Pierson moved to amend section one by inserting after the word "State" the following words: "and each survivor of the signers of the Declaration of Independance."

On motion of Mr. Kyle, Senate bill No. 79 was ordered to be referred to a special committee of five.

The Chair appointed as such committee Messrs. Robinson, Shoemaker, Kendall, Kyle and Jenkins.

House bill No. 759, to be entitled "An act to regulate the Life Insurance Company in the State of Texas."

On motion of Mr. Pierson, the consideration of House bill No. 759 was postponed until Wednesday next and made special order at 11.30 o'clock A. M., and the bill and report ordered printed..

PETITIONS AND MEMORIALS.

Mr. Camp presented a petition from the citizens of San Patricio, in relation to county lines, which was read and referred to the Committee on Counties and County Boundaries.

Mr. Camp also presented the petition of Peter Rouche, for relief, with accompanying papers, which was read and referred to Committee on Finance.

Mr. York presented a petition from the occupation and taxpayers of the cities of Indianola and Lavaca, which was read and referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. Camp, Chairman of the Committee on Public Lands and Land Office, submitted the following reports:

COMMITTEE ROOM,
Austin, Oct. 3, 1871. }

Hon. WM. H. SINCLAIR,

Speaker House of Representatives.

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 784, to be entitled "An act for the relief of pre-emption settlers in the Mississippi and Pacific Railway Reserve," have examined the same and herewith return it to the House with the recommendation that it do pass.

CAMP, Chairman.
ZAPP,
TEGENER,
LYONS,
COLE,
R. WILLIAMS,

House bill No. 784 was then read and ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM,
Austin, Oct. 3, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 663, to be entitled "An act prescribing the time in which all lands heretofore or hereafter located or filed upon shall be patented," have considered the same, and find that there is now in force an act passed April 25, 1871, entitled "An act in reference to the location, survey and return of genuine land certificates," which fully meets the requirements and provisions of the bill under examination, hence your committee respectfully

return said bill to the House and recommend that it be laid on the table.

CAMP, Chairman,
ZAPP,
R. WILLIAMS,
LYONS,
COLE,
TEGENER.

House bill No. 663 was read, and on motion of Mr. Grothaus it was laid on the table.

COMMITTEE ROOM, }
Austin, Oct. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 184, to be entitled "An act to authorize the Commissioner of the General Land Office to issue land certificates and warrants in certain cases," having carefully considered the same, beg leave to report back, and recommend that it do pass, with the following amendments: In section three amend by striking out "1872" and inserting "1873" in each case where these figures occur; also, after the words "null and void" strike out the word "the" and insert the word "and."

CAMP, Chairman,
ZAPP,
COLE,
LACY,
WILLIAMS,
POSEY.

On motion of Mr. Evans House bill No. 184 was referred to a select committee of three.

The Speaker appointed Messrs. Evans, Booty and Gant as such committee.

Mr. Grothaus moved that Mr. Evans be excused from further duty on the Select Committee to Examine the Comptroller's and Treasurer's Offices. Lost.

COMMITTEE ROOM, }
Austin, Oct. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred substitute Senate bill No. 496, to be entitled "An act supplemental to an act entitled 'an act in relation to the location, survey and return of genuine land certificates,' passed

April 25, 1871," having carefully considered the same, beg leave to report back and recommend its passage, with the following amendments: In section one strike out the words "by leaving on file with the field notes of the first location a true copy of such certificate," and insert in lieu thereof the following: "and it shall be the duty of the Commissioner of the General Land Office to endorse on every certificate thus withdrawn the amount of land already located of which field notes have been returned and are on file in the General Land Office." Also, in section two, strike out the words "by or before the first day of March, 1872," and insert the words "within twelve months from the passage of this act."

Respectfully,

L. B. CAMP, Chairman,
ZAPP,
LYONS,
POSEY,
COLE,
LACY.

On motion of Mr. Booty, Senate bill No. 496 was referred to the select committee appointed on House bill No. 184.

COMMITTEE ROOM,
Austin, Oct. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 766, to be entitled "An act for the relief of certain settlers in Peters's Colony," after due consideration beg leave to recommend the passage of the same without amendment.

Respectfully,

L. B. CAMP, Chairman,
JOHN R. LYONS,
LACY,
TEGENER,
ZAPP.

House bill No. 766 was then read.

Mr. Leonard moved to refer House bill No. 766 to the select committee on House bill No. 184. Lost.

On motion of Mr. Grothaus, section one was amended by inserting in the blank the word "first."

Mr. McLean moved a reconsideration of the vote just taken. The House decided to reconsider.

On reconsideration, the House refused to adopt the amendment.

On motion of Mr. McLean, the blank was filled with the word "thirteenth."

House bill No. 766 was then ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM,
Austin, Oct. 11, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 615, to be entitled "An act to relieve certain citizens of Fannin county from taxes," after due consideration beg leave to recommend that the same be laid on the table.

Respectfully,

L. B. CAMP, Chairman,
LYONS,
LACY,
TEGENER,
ZAPP.

On motion of Mr. Putnam the report of the committee was adopted and House bill No. 615 was laid on the table.

COMMITTEE ROOM, }
Austin, Feb. 28, 1871. }

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was recommitted House bill No. 361, to be entitled "An act to authorize and require the Governor to appoint an agent of State salines, to take possession of the salt lake known as El Sal del Rey, and other salines mentioned, and to pay over the revenue arising therefrom to the State," having reconsidered and examined said bill and report thereon, find no cause to change or amend the same, they therefore return the same to the House with the recommendation that the bill do pass.

Respectfully,

L. B. CAMP, Chairman,
J. R. COLE,
R. WILLIAMS,
B. B. LACY,
McD. LORANCE,
JOHN R. LYONS.

On motion of Mr. McLean, the further consideration of House bill No. 361 was postponed and made the special order for Saturday next, at 10:30 o'clock A. M., and the bill ordered to be printed.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills, have carefully examined the following House bills, to-wit: House bill No. 57, to be entitled "An act to incorporate the Philosophronian Society of Trinity University;" No. 292, "An act granting to B. F. Colbert the privilege of constructing a ferry across Red River;" No. 803, "An act to authorize James R. Harrington to erect a toll bridge over White Rock creek, in Hill county;" also, No. 209, "An act to incorporate the Richmond Relief Dramatic Club, of Richmond, Fort Bend county," and find the same correctly enrolled.

GEORGE T. HASWELL, Chairman,
GROTHAUS,
SHOEMAKER.

Report accepted.

Mr. Gant moved a reconsideration of the vote by which the House, yesterday, ordered that the communication of the Comptroller be omitted from the journal. Lost.

A message was received from the Senate, transmitting for the concurrence of the House, the following Senate bills, Nos. 334, 291, 381, 347, 376, 530, 541, 542, 544 and 546.

Also, returning to the House, the following House bills, which had been passed by that body, Nos. 213 and 862 and transmitting for the signature of the Speaker, Senate bill No. 454, which was signed and returned to the Senate.

11 o'clock A. M.

SPECIAL ORDER,

Viz: Consideration of the Governor's veto message, on House bill No. 673, to be entitled "An act to authorize the County Court of Upshur county to levy a special tax for the completion of the court house in said county."

On motion of Mr. Chambers, the special order was postponed for fifteen minutes.

On motion of Mr. Chambers, the rules were suspended and Senate bill No. 542, to be entitled "An act appropriating seventeen thousand dollars, for the better protection of the public buildings and archives of the State against fire," was taken up, out of its regular order and read the first time.

On motion of Mr. Chambers, the rules were suspended and Senate bill No. 542, was read the second time.

On motion of Mr. Chambers, the rule requiring all bills on their second reading to be referred to committees was suspended in this case.

On motion of Mr. Chambers, the further consideration of Senate bill No. 542 was postponed and made the special order for Tuesday next at 11:30 o'clock A. M.

Mr. Tegener, chairman of the Committee on Federal Relations, submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Federal Relations, to whom was referred Senate concurrent resolution No. 7, "In relation to the annexation of Santo Domingo to the United States," after *much* careful consideration, beg leave to report back and recommend its adoption, with the following amendment: Strike out the words "Santo Domingo" and insert the following, to-wit: "the Sierra Madre Republic, composed of the following named States: Tamaulipas, Nueva Leon, Coahuila, Chihuahua, Sonoro, Sinaloa, Durango; and also, the Dominion of Canada."

FRITZ TEGENER, Chairman,
SCHLOTMAN,
PIERSON,
LYONS,
VAN NOY,
ROSS,
HAWKINS,
MILLER.

Mr. Evans moved to lay the amendment on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, George, Gaston, Hamilton, Haswell, Jenkins, Lacy, Lane, Leonard, McLean, Polly, Putnam, Schutze, Self, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Van Noy, Weaver, Young, Youngkin, Zoeller—33.

Nays—Messrs. Abbott of Austin, Burley, Camp, Dupree, Gardner, Grothaus, Kendall, Locke, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Moore of Harrison, Patten, Pierson, Plumley, Rainey, Ross, Schlickum, Schlotman, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Zapp—27.

So the amendment was laid on the table, carrying with it the resolution.

The Chief Clerk was dispatched to the Senate with House concurrent resolutions No. 13 (in relation to martial law in Limestone and Freestone counties) and No. 14 (in relation to adjournment), for the concurrence of the Senate therein.

Also, transmitting for the signature of the President of that body enrolled House bills Nos. 9, 121, 742 and 776, which were signed and returned and the following bills sent to the Senate for the signature of the President, House bills Nos. 57, 209, 292 and 803.

11:15 o'clock, A. M.

SPECIAL ORDER---Resumed.

Mr. Pierson moved to lay the Governor's message and House bill No. 673 on the table. Lost.

On motion of Mr. Burley, the further consideration of the Governor's veto message was postponed until the first day of January, 1872.

Mr. Locke, chairman of the committee on Agriculture and Stock-raising, submitted the following reports:

COMMITTEE ROOM, }
Austin, Oct. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stockraising, to whom was referred House bill No. 844, to be entitled "An act to incorporate the Travis County Agricultural and Blood Stock Association," have carefully considered the same, and respectfully report it back and recommend the passage of the bill.

W. J. LOCKE, Chairman,
LEONARD,
F. KYLE,
J. YORK,
J. B. SELF,
COTTON.

House bill No. 844 was then read.

On motion of Mr. Locke section one was amended by inserting after the word "sued" "and shall have a corporate seal."

House bill No. 844 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Kyle the rules were suspended, House bill No. 844 was read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Oct. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stockraising, to whom

was referred House bill No. 785, to be entitled "An act to incorporate the North Texas Agricultural, Mechanical and Blood Stock Association," have carefully considered the same, and respectfully report it back and recommend the passage of the bill with the following amendment: amend section nine by adding "and shall continue in force for fifty years."

Respectfully,

LOCKE, Chairman,
LEONARD,
SPENCER,
YORK,
COTTON.

On motion of Mr. Lane the amendment recommended by the committee was adopted.

House bill No. 785 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Lane the rules were suspended, House bill No. 785 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stockraising, to whom was referred House bill No. 799, to be entitled "An act to amend section ten of 'an act to encourage stockraising and for the protection of stockraisers,'" have carefully considered the same, and respectfully report it back and recommend that it be laid on the table.

LOCKE, Chairman,
LEONARD,
SPENCER,
YORK,
COTTON.

On motion of Mr. Locke, the report was adopted, and House bill No. 799 laid on the table.

Mr. George, chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to whom was referred petitions of citizens of Gonzales, Gaudalupe and Wilson counties, praying for a new county; also, House bill No. 658, to be entitled "An act to create the county of Erskine;

and to establish the boundaries thereof," beg leave to report back, and recommend that said petitions be laid on the table, and that House bill No. 658, which substantially grants the prayers of said petitioners, do pass.

J. D. GEORGE, Chairman,
C. J. STOCKBRIDGE,
M. KENDALL,
YORK,
McLEAN,
MOORE.

House bill No. 658 was then read, and the House refused to order it to be engrossed and passed to its third reading.

Mr. R. Williams, chairman of the Committee on Penitentiary, submitted the following majority and minority reports:

COMMITTEE ROOM,
Austin, Oct. 12, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Penitentiary, to whom was referred the report of his Excellency, the Governor of the State, of certain proposals for the location of two penitentiaries—one east of the Trinity, and one west of the Colorado—after due consideration, and in view of the fact that the labor contemplated to build said penitentiaries cannot be obtained from the present penitentiary, in consequence of it being under a lease for the term of fifteen years, would recommend that all action in the matter be postponed indefinitely.

Respectfully,

R. WILLIAMS, Chairman,
A. M. COX,
WM. SHERIFF,
J. W. LANE,
J. MITCHELL.

COMMITTEE ROOM,
Austin, Oct. 12, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Being one of the Committee on Penitentiaries, to whom was referred the report of his Excellency the Governor, of certain proposals for the location of two penitentiaries, I beg leave to dissent from the report of your committee, for the following reasons, viz:

1. That in my opinion a penitentiary is for the purpose of reformation, and under the present system it tends to degrade the convicts instead of elevating them.

2. A penitentiary should prove self-sustaining, and unless we have other penitentiaries it can never be a financial success.

3. I think we should have two penitentiaries, one east of the Trinity and one west of the Colorado, with good and sufficient water power to enable manufactures to be started as soon as possible.

A. DORRIS.

On motion of Mr. R. Allen, the majority report of the committee was adopted, and the further consideration of the Governor's message indefinitely postponed.

Mr. Schlotman, chairman *pro tem.* of the Committee on Roads, Bridges and Ferries, submitted the following reports :

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred the "Petition of citizens of Dallas county for ferry privileges at Dowdy's ferry on the Trinity river," after due consideration beg leave to report back and recommend that the petition be laid on the table, and that the accompanying bill, to be entitled "An act to authorize A. Dowdy and his associates, to construct, own and keep a ferry on Trinity river, in Dallas county," do pass.

SCHLOTMAN, Chairman *pro tem.*,
GARDINER,
AUSTIN,
LACY,
BONNER,
HAMILTON.

The bill reported by the committee (House bill No. 923) was read the first time.

On motion of Mr. Lane the rules were suspended and House bill No. 923 read the second time.

On motion of Mr. Grothaus, the rules requiring all bills on their second reading to be referred to committees was suspended in this case and House bill No. 923 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Lane the rules were further suspended, House bill No. 923 read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 6, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Roads, Bridges and Ferries, to whom

was referred, Senate bill No. 521, have carefully considered the same and recommend its passage.

R. ALLEN, Chairman,
GARDINER,
J. O. AUSTIN,
J. J. HAMILTON,
WM. SCHLOTMAN,
B. B. LACY,
W. H. BONNER.

Senate bill No. 521, to be entitled "An act to authorize Sim Davis and his associates, to construct, own and keep a toll bridge on Sulphur Fork of Red River," was then read and ordered to its third reading.

Senate bill No. 521, was then read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 487, to be entitled "An act authorizing S. A. Cook to erect and keep a toll bridge across Mineral bayou, in Grayson county," having carefully considered the same, beg leave to report back and recommend its passage, with the following amendment: In section four strike out the words "public crossing within four miles" and insert the following: "toll bridge or ferry within two miles."

SCHLOTMAN, Chairman *pro tem.*,
GARDINER,
AUSTIN,
LACY,
BONNER,
HAMILTON.

Senate bill No. 487 was then read.

On motion of Mr. Haswell, the amendment recommended by the committee was adopted, and Senate bill No. 487 was ordered to its third reading.

Senate bill No. 487 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom

was referred Senate bill No. 455, to be entitled "An act to authorize Mrs. W. E. Weaver, her associates and assigns, to erect a toll bridge across Rock creek in Hopkins county," having carefully considered the same, beg leave to report back, and recommend its passage with the following amendment: In section 6,—strike out the word "three" and insert the word "two," in lieu thereof, that it may read, "two miles on either side of said turnpike."

SCHLOTMAN, Chairman *pro tem.*,
GARDINER,
AUSTIN,
LACY,
BONNER,
HAMILTON,

On motion of Mr. Austin the amendment recommended by the committee was adopted and Senate bill No. 455 was ordered to its third reading.

Senate bill No. 455 was then read the third time, passed and its title agreed to.

Mr. McLean moved a reconsideration of the vote just taken on Senate bill No. 455.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 823, to be entitled "An act to amend section nineteen of 'an act to regulate ferries,' approved January 23, 1850," having carefully considered the same, beg leave to report back and recommend that it do pass.

SCHLOTMAN, Chairman *pro tem.*,
GARDINER,
AUSTIN,
LACY,
BONNER,
HAMILTON.

House bill No. 823 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Evans the rules were suspended, House bill No. 823 read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom

was referred House bill No. 860, to be entitled "An act incorporating a toll bridge on the Tehuacana, at the crossing of the public road from Waco to Corsicana," having carefully considered the same, beg leave to report back, and recommend its passage, with the following amendment: In section four strike out the word "three" and insert the word "two" in lieu thereof, that it may read "within two miles of said Waco and Corsicana crossing."

SCHLOTMAN, Chairman *pro tem.*,

GARDINER,

AUSTIN,

LACY,

BONNER,

HAMILTON.

On motion of Mr. Austin the amendment recommended by the committee was adopted and House bill No. 860 ordered to be engrossed and passed to its third reading.

On motion of Mr. Jenkins the rules were suspended, House bill No. 860 read the third time, passed and its title agreed to.

Mr. Dupree moved a reconsideration of the vote by which the House, on yesterday, granted the use of the Hall to Mrs. Talbot.

Mr. Robinson moved to lay the motion to reconsider on the table.

No quorum present.

On motion of Mr. Morris the House, at 12 o'clock M., adjourned until 10 o'clock A. M. Monday next.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 13, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Burley the reading of Saturday's journal was dispensed with.

On motion of Mr. Burley Mr. Cotton was excused from attendance on the House to-day on account of sickness.

By unanimous consent Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 822, to be entitled "An act abolishing the office of supervisor of education in each judicial district of this State, and providing for the appointment of ten assistant superintendents of public instruction for this State," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,

J. F. McKEE,

W. G. ROBINSON.

Report accepted.

The Chair laid before the House the following veto message of the Governor.

GOVERNOR'S OFFICE. }
Austin, Nov. 11, 1871, }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : I return to the House of Representatives, where it originated, the act entitled "An act to create the county of Tegner."

The fifth section of this act is very objectionable, and I think must have been overlooked. It gives the county authorities power to levy as much in the way of taxes as is now permitted by law, and of course in addition to the taxes already allowed. It also authorizes an unlimited issue of bonds for the purpose, with said large amount of taxes, of being used for building a court house and

jail. These powers are too extensive, and are liable to be misused.

Very respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.

On motion of Mr. Tegener, Mr. Spencer was indefinitely excused from attendance on the House on account of sickness.

On motion of Mr. Slaughter, Rev. B. A. Rogers was invited to act as Chaplain for the House in the future.

On motion of Mr. George, the rules were suspended to allow him to introduce a bill (House bill No. 924), to be entitled "An act to incorporate the Galveston, Denver and Pacific Short Line Railway Company, and to promote the construction thereof," which was read the first time.

Mr. Booty moved to reject House bill No. 924, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Booty, Chambers, Cole, Elam, Evans, Gaston, Grothaus, Rainey, Schlotman, Schutze, Self, Smyth, Tegener, Zoeller—14.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Dorris, Dupree, Ellis, Franks, Gant, Gardiner, George, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Robb, Robertson, Robinson, Ross, Schlickum, Sheriff, Shoemaker, Simmons, Slaughter, Stirman, Stockbridge, Van Noy, Weaver, Williams of Walker, York, Young, Youngkin, Zapp—57.

So the House refused to reject the bill.

Mr. George moved a suspension of the rules to put House bill No. 924 on its second reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Dorris, Dupree, Ellis, Franks, Gant, Gardiner, George, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Sheriff, Shoemaker, Simmons, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—58.

Nays—Messrs. Booty, Chambers, Cole, Elam, Evans, Gaston, Grothaus, McLean, Morris, Putnam, Rainey, Schlotman, Self, Smyth, Zoeller—15.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

UNFINISHED BUSINESS,

Viz: The motion of Mr. Robinson to lay on the table the motion of Mr. Dupree to reconsider the vote by which the House granted the use of the Hall to Mrs. Talbot, for the purpose of lecturing, each Sunday evening of this month.

The motion to reconsider was laid on the table.

Mr. McLean moved a suspension of the rules to allow the introduction of bills and resolutions, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, George, Gaston, Harn, Haswell, Hawkins, Jenkins, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schutze, Self, Sheriff, Simmons, Smyth, Stirman, Tegener, Tinsley, Van Noy, Weaver, York, Young—45.

Nays—Messrs. Richard Allen, Burley, Dorris, Dupree, Franks, Gardiner, Grothaus, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Shoemaker, Slaughter, Stockbridge, Williams of Colorado, Williams of Walker, Zapp, Zoeller—27.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

PETITIONS AND MEMORIALS.

Mr. Elam presented a petition from the citizens of Houston county, asking the remission of the State tax for the year 1871, which was read and referred to the Committee on Finance.

Mr. Plumley presented a petition for the relief of Thomas Stevens and Mark Smith by pension, which was read and referred to the Committee on Claims and Accounts.

By unanimous consent, Mr. Schutze introduced a bill (House bill No. 925) to be entitled "An act amendatory to an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858," which was read the first time.

On motion of Mr. Schutze the rules were suspended and House bill No. 925 was read the second time and referred to the Committee on State Affairs.

Mr. Evans called up the motion made by him on Saturday last to reconsider the vote by which the House laid on the table House bill No. 795, to be entitled "An act to authorize the Governor to appoint some competent person to perform the duties of State Geologist until he shall find a suitable person for appointment as State Geologist, who shall be eligible to the office."

The House refused to reconsider.

REPORTS OF COMMITTEES.

Mr. Schlotman, chairman *pro tem.* of the Committee on Roads, Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 830, to be entitled "An act to establish a ferry across the Brazos river, in the counties of Milam and Robertson, at or near the town of Port Sullivan, in Milam county," having carefully considered the same, beg leave to report back and recommend that it do pass.

Respectfully,

SCHLOTMAN, Chairman *pro tem.*,
GARDINER,
AUSTIN,
LACY,
BONNER,
HAMILTON.

House bill No. 830 was then read and ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM, }
Austin, Oct. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 851, to be entitled "An act to amend an act entitled 'an act to establish a ferry across Brazos river at or near the mouth of the Little Brazos river, in the counties of Burleson and Brazos,'" having carefully considered the same, beg leave to report back and recommend its passage with the following amendments: In section one, strike out the word "three" and insert the word "two," that it may read, "within two miles, on a straight line, above and below said point." In section four, amend to read,

"during the term of thirty years," and strike out the word "ninety-nine."

Respectfully,

SCHLOTMAN, Chairman *pro tem.*,
GARDINER,
AUSTIN,
LACY,
BONNER,
HAMILTON.

On motion of Mr. Austin, the amendments recommended by the committee to House bill No. 851 were adopted.

House bill No. 851 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Gardiner, the rules were suspended and House bill No. 851 was read the third time, passed, and its title agreed to.

On motion of Mr. Austin, the rules were suspended and Senate bill No. 541, to be entitled "An act to increase the area and enlarge the boundary of Lamar county," was taken up out of its regular order and read the first time.

On motion of Mr. Austin, the rules were suspended and Senate bill No. 541 was read the second time.

On motion of Mr. Austin, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 541 was ordered to its third reading.

On motion of Mr. Austin the rules were further suspended and Senate bill No. 541 was read the third time, passed and its title agreed to.

Mr. Gardiner, chairman of the Committee on Claims and Accounts, submitted the following reports:

COMMITTEE ROOM, }
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred Senate joint resolution No. 44, "Joint resolution for the relief of James H. Skinner, sheriff of Henderson county," after carefully considering the same, report it back to the House recommending its passage.

C. W. GARDINER, Chairman,
W. G. ROBINSON.
C. J. STOCKBRIDGE,
JO. ABBOTT,
H. H. VAN NOY,
WEAVER.

Senate joint resolution No. 44 was then read.

M. Schutze moved a call of the House. Call sustained.

Absent, not excused—Messrs. Harn, Lorange, Medlock, Miller, Posey, Prissick, Tinsley and Tegener.

On motion of Mr. Locke, the Sergeant-at-arms was dispatched for the absentees.

On motion of Mr. Booty, the call was suspended.

Senate joint resolution No. 44 was then ordered to its third reading.

Senate joint resolution No. 44 was then read the third time and passed by the following vote, the yeas and nays having been called for.

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Camp, Cole, Dupree, Elam, Ellis, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Haswell, Hawkins, Jenkins, Kyle, Lane, Leonard, Locke, McKee of Guadalupe, McLean, Morrison, Pierson, Plumley, Polly, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Sheriff, Shoemaker, Simmons, Slaughter, Stockbridge, Van Noy, Weaver, Young, Youngkin, Zapp—49.

Nays—Messrs. Chambers, Dorris, Gant, Kendall, Lyons, Mitchell, Morris, Moore of Harrison, Patten, Putnam, Schlotman, Self, Smyth, Williams of Colorado, Williams of Walker, York, Zoeller—17.

The title of the joint resolution was agreed to.

11 o'clock A. M.

SPECIAL ORDER,

Viz: House bill No. 885, to be entitled "An act concerning the collection of public money."

On motion of Mr. Locke, the special order was postponed until 10:30 o'clock A. M. to-morrow.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have this day sent to the Governor for his approval the following House Bills, to-wit: House bill No. 776, entitled "An act to provide for the payment of the public debt of the State of Texas, approved May 2, 1871;" House bill No. 121, entitled "An

act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum and for the care and maintenance of the insane,' approved February 5, 1871;" House bill No. 742, entitled "An act to incorporate the Richmond Bridge Company;" House bill No. 9, entitled "An act to incorporate the McKinney Academy Association."

GEO. T. HASWELL, Chairman.

Report accepted.

The Chief Clerk was dispatched to the Senate with Senate bills Nos. 521 and 541, and Senate joint resolution No. 44, which the House had passed without amendment; also, Senate bill No. 487, which had been passed by the House with amendment; and for the concurrence of the Senate, House bill No. 822.

Reports of the Committee on Claims and Accounts—Resumed:

COMMITTEE ROOM,
Austin, May 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 373, to be entitled "An act for the relief of Mrs. Nancy Luckey," having had the same under consideration, respectfully report it back, recommending that it be laid on the table.

JAMES F. MCKEE, Chairman,
W. G. ROBINSON,
C. D. HARN,
C. J. STOCKBRIDGE,
C. L. ABBOTT,
J. C. WEAVER.

The report of the committee was adopted, and on motion of Mr. Gardiner, House bill No. 373 was laid on the table.

COMMITTEE ROOM,
Austin, May 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 508, to be entitled "An act for the relief of the heirs and legal representatives of William Wroe, deceased, a veteran in the army of the Republic of Texas," having had the

same under consideration, respectfully report it back, recommending that it be laid on the table.

J. F. McKEE, Chairman,
W. G. ROBINSON,
C. D. HARN,
C. J. STOCKBRIDGE,
C. L. ABBOTT,
J. C. WEAVER.

On motion of Mr. Gardiner, the report of the committee was adopted and House bill No. 508 was laid on the table.

COMMITTEE ROOM, {
Austin, May 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred "Petition of W. T. Patterson for relief," having had the same under consideration, respectfully report it back, with accompanying bill, recommending its passage.

J. F. McKEE, Chairman,
W. G. ROBINSON,
C. D. HARN,
C. J. STOCKBRIDGE,
C. L. ABBOTT,
J. C. WEAVER.

The bill reported by the committee (House bill No. 926) to be entitled "An act for the relief of W. T. Patterson," was read the first time.

COMMITTEE ROOM, {
Austin, March 18, 1871. }

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred "Petition for relief of John H. Conner," and House bill No. 546, to be entitled "An act making appropriation to pay John H. Conner for services rendered as Captain of Rangers, State of Texas, from January 17, 1860, to May 8, 1860," have had the same under consideration and recommend the passage of the bill.

J. F. McKEE, Chairman, dissenting,
J. R. McKEE,
C. J. STOCKBRIDGE,
JO. ABBOTT,
J. C. WEAVER,
C. L. ABBOTT,
C. D. HARN.

House bill No. 546 was then read.

On the question of ordering House bill No. 546 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Booty, Burley, Camp, Dupree, Evans, Gant, Gardiner, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lane, Leonard, Locke, McLean, Medlock, Mitchell, Morrison, Patten, Pierson, Plumley, Polly, Putnam, Robb, Robertson, Robinson, Schlotman, Schutze, Shoemaker, Simmons, Slaughter, Stirman, Stockbridge, Weaver, Williams of Walker, York—41.

Nays—Messrs. Abbott of Hill, Richard Allen, Austin, Bonner, Chambers, Cole, Dorris, Elam, Ellis, Franks, George, Lacy, Lorange, Lyons, McKee of Guadalupe, Morris, Moore of Harrison, Rainey, Ross, Schlickum, Self, Sheriff, Smyth, Tegener, Tinsley, Van Noy, Young, Youngkin, Zoeller—29.

So House bill No. 546 was ordered to be engrossed and passed to its third reading.

Mr. Stockbridge moved a suspension of the rule requiring all bills making an appropriation to be considered in the Committee of the Whole House. Rule not suspended.

Mr. Leonard called up the motion made by him to reconsider the vote by which the House ordered House bill No. 766 to be entitled "An act for the relief of certain settlers in Peters's colony," to be engrossed, and passed to its third reading. The House decided to reconsider.

Mr. Evans moved that the chairman of the Committee on Privileges and Elections be required to report back at once House bill No. 177, to be entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns and for the protection of the ballot box,' it having been in the possession of said committee over ten days, and that the committee be discharged from further consideration of the bill.

Mr. Locke moved a call of the House. Call sustained.

Absent, not excused—Messrs. Posey and Prissick.

Mr. Burley moved a suspension of the call of the House. Lost.

On motion of Mr. R. Allen, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Leonard moved a suspension of the call of the House. Lost.

Mr. Gardiner moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

On motion of Mr. Grothaus, the call of the House was suspended.

The question recurring on the motion of Mr. Evans, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Simmons, Smyth, Stirman, Van Noy, Weaver, Young, Zapp—40.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Haswell, Kendall, Locke Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—34.

So the motion prevailed.

Mr. Harn, chairman of Committee on Privileges and Elections, delivered House bill No. 177, to the House.

Mr. Harn moved that House bill No. 177, be referred to a select committee of five, with the privilege to report at any time, upon which motion the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—37.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Van Noy, Weaver, Young, Zapp—37.

So the House refused to refer House bill No. 177 to a select committee, two-thirds of the members present not voting in the affirmative.

A message was received from the Senate, returning enrolled House bills Nos. 292, 803, 209 and 57, which had been signed by the President *pro tem.* in open session.

Also, transmitting for the concurrence of the House Senate bill No. 526.

Mr. Morris moved to postpone the further consideration of House bill No. 177 until December 2, at 12 o'clock M.

Mr. Slaughter moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Haswell, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Zapp, Zoeller—37.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Miller, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Simmons, Smyth, Stirman, Van Noy, Weaver, York, Young—36.

So the House at 1:30 P. M. adjourned until 10 o'clock A. M. tomorrow.

HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, November 14, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the Chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Robertson, the reading of yesterday's journal was dispensed with.

UNFINISHED BUSINESS,

Viz: The motion of Mr. Morris to postpone the consideration of House bill No. 177, to be entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection of the ballot box,'" until the second day of December next.

Mr. Locke moved a call of the House. Call sustained.

Absent, not excused—Messrs. H. R. Allen, Camp, Cotton, Grot-haus, Miller, Posey, Prissick, Tinsley and Weaver.

On motion of Mr. B. F. Williams, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Lane moved that Mr. Camp be excused from attendance under the call. Lost.

On motion of Mr. Morris, the call of the House was suspended,
10:30 o'clock A. M.

SPECIAL ORDER.

Viz: The report of the special committee on House bill No. 885, to be entitled "An act concerning the collection of public money."

Mr. Robertson moved to postpone the consideration of the special order until Thursday next at 10:30 o'clock A. M., upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Slaughter, Smyth, Stirman, Van Noy, Weaver, Young—37.

Nays—Mr. Speaker, Abbott of Austin, Richard Allen, Burley, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Johnson, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—38.

So the House refused to postpone the consideration of House bill No. 885.

Mr. Locke, chairman of the select committee, reported back House bill No. 885, with a substitute therefor, which the committee recommended be passed in lieu of the original bill.

House bill No. 885 was then read.

The substitute was then read.

Mr. Evans moved to amend section one by adding thereto the following: "and the Comptroller shall issue a deposit warrant to any person applying therefor for himself, or as agent for another person, upon the said applicant stating the amount and object for which the said deposit warrant is desired."

Mr. Lane moved that the consideration of the bill be postponed until the twenty-fifth instant, at 10:30 o'clock A. M., and that it be made the special order for that time, and be ordered printed. Lost.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills, beg leave to report

that they have carefully examined the following House bills, to-wit: No. 213, "An act to incorporate the Benevolent Association of Austin;" No. 862, "An act making an appropriation to supply the deficiencies ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, justices of the peace and sheriffs in felony cases;" No. 90, "An act to incorporate the Lake City Cotton and Wool Manufacturing Company," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman.
GROTHAUS,
SHOEMAKER,
T. E. ROSS.

COMMITTEE ROOM, }
Austin, Nov. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills, ask leave to report that they have this day sent to the Governor for his approval, the following House bills, to-wit: House bill No. 57, to be entitled "An act to incorporate the Philosophronian Society of Trinity University;" No. 292, "An act granting to B. F. Colbert the privilege of constructing a ferry across Red River;" No. 803, "An act to authorize James R. Harrington to erect a toll bridge over White Rock creek in Hill county;" also, No. 209, "An act to incorporate the Richmond Relief Dramatic Club, of Richmond, Fort Bend county."

GEO. T. HASWELL, Chairman.

Reports accepted.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The question being first on the adoption of the amendment offered by Mr. Evans, the yeas and nays were called for, and resulted as follows:

Yeas---Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Booty, Burley, Camp, Cotton, Dupree, Evans, Franks, Hamilton, Haswell, Kendall, Lacy, Locke, Mitchell, Moore of Harrison, Patten, Pierson, Plumley, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—38.

Nays---Messrs. Abbott of Hill, Austin, Bonner, Chambers, Cole,

Davis, Dorris, Gant, Gardiner, George, Gaston, Grothaus, Harn, Hawkins, Jenkins, Johnson, Kyle, Lane, Leonard, Lyons, McKee of Guadalupe, McLean, Medlock, Morris, Polly, Putnam, Rainey Self, Shelburne, Simmons, Smyth, Stirman, Weaver, Zapp—34.

So the amendment to the substitute was adopted.

The question recurring on the adoption of the substitute as amended, it was adopted.

The question then recurred on ordering House bill No. 885 to be engrossed and passed to its third reading, upon which the yeas and nays were called for and resulted as follows :

Yeas—Mr. Speaker, Abbott of Austin, H. R. Allen, Richard Allen, Booty, Burley, Camp, Chambers, Cotton, Davis, Dupree, Evans, Franks, Gardiner, Grothaus, Hamilton, Haswell, Kendall, Lacy, Locke, Medlock, Mitchell, Moore of Harrison, Patten, Pierson, Plumley, Robertson, Robinson, Schlickum, Schlotman, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—45.

Nays—Messrs. Abbott of Hill, Austin, Bonner, Cole, Dorris, Gant, George, Gaston, Harn, Hawkins, Jenkins, Johnson, Kyle, Lane, Leonard, Lyons, McKee of Guadalupe, McLean, Morris, Polly, Putnam, Rainey, Robb, Ross, Self, Simmons, Smyth, Stirman, Weaver—29.

So House bill No. 885 was ordered to be engrossed, and passed to its third reading.

UNFINISHED BUSINESS—Resumed.

The question recurring on the motion of Mr. Morris to postpone the consideration of House bill No. 177 until the second day of December next at 12 M., the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Gardiner, George, Hamilton, Haswell, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Patten, Robinson, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Williams of Colorado, Youngkin, Zoeller—26.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Franks, Gant, Gaston, Grothaus, Harn, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Shelburne, Simmons, Slaughter, Smyth, Stirman, Van Noy, Weaver, Williams of Walker, York, Young—47.

So the House refused to postpone the consideration of House bill No. 177.

A message was received from the Senate returning House bill No. 784, to be entitled "An act to incorporate the North Texas Collegiate Institute, at Bonham," and House concurrent resolution No. 14, "In relation to the adjournment of the Twelfth Legislature," which that body had passed without amendment.

The question recurred on the adoption of the following amendment offered by Mr. Morrison on the ninth day of May, 1871, viz :

That the seventh section of the act entitled "An act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box, approved August 15, 1870," be so amended as hereafter to read as follows: "Section 7. That the first general election under this act shall be held, commencing on the first Tuesday after the first Monday in December, A. D. 1871, at which time, and every two years thereafter, Representatives and Senators to the State Legislature, district attorneys and all county officers made elective shall be elected."

The House refused to adopt the amendment.

House bill No. 177 was then read.

Mr. Evans offered a substitute for House bill No. 177.

Mr. Locke moved to strike out the words "second Tuesday in March," and insert in lieu thereof "first Monday in August," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Dorris, Dupree, Franks, Gardiner, Grothaus, Hamilton, Johnson, Kendall, Locke, Lorance, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patten, Robinson, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Youngkin—31.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Davis, Elam, Evans, Gant, George, Gaston, Harn, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Morris, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Shelburne, Simmons, Slaughter, Smyth, Stirman, Van Noy, Weaver, Young, Zapp, Zoeller—44.

So the House refused to adopt the amendment to the substitute.

11:30 O'CLOCK A. M.

SPECIAL ORDER,

Viz: Senate bill No. 542, to be entitled "An act appropriating

seventeen thousand dollars for the better protection of the public buildings and archives of the State against fire."

On motion of Mr. Slaughter, the consideration of the special order was postponed until 11:30 o'clock A. M. to-morrow.

The Chief Clerk was dispatched to the Senate with the following enrolled House bills, for the signature of the President of that body: House bill No. 90, to be entitled "An act to incorporate the Lake City Cotton and Wool Manufacturing Company;" House bill No. 213, to be entitled "An act to incorporate the Benevolent Association of Austin;" and House bill No. 862, to be entitled "An act making an appropriation to supply the deficiencies existing for 1870 and 1871 for fees due district attorneys in felony cases," which were signed and returned to the House.

The following special message was received from the Governor by the hands of his Private Secretary:

GOVERNOR'S OFFICE, {
Austin, Nov. 14, 1871. }

To the Honorable Senate and House of Representatives of Texas:

GENTLEMEN: I think it necessary to call your attention to the condition of the laws relating to the levy of taxes, in so far as the same apply to the powers of the county or police courts to levy taxes, and to the amount of taxes authorized to be levied by those courts.

The law approved April 22 last, entitled "An act to give effect to the several provisions of the Constitution concerning taxes," in section four gives those courts authority to levy the amount of twenty-five cents on the one hundred dollars "for the support of the several county organizations thereof, and for such other public purposes as the courts thereof may order;" and in section five gives them authority to levy an equal amount "for public roads and bridges." It was doubtless thought by members who voted for those provisions that the sums to be thereby realized were ample for all county purposes; and I believe they are sufficient, and, in fact, more than sufficient, if properly and economically administered. But it will be noticed that said act, in the repealing section (twenty-second), reserves all "special county taxes, and other special taxes," which are accordingly not repealed thereby. I do not know whether such was the intent of the Legislature, but in many counties this provision has been construed as maintaining in force all previous laws authorizing special taxes. Among *general* laws of this nature I will call to your mind that of July 21, 1870, which provides a special tax of fifty cents on the one hundred dollars to pay off "county indebtedness;" that of August 4, 1870, which provides a special tax of twelve and a half cents on the one hundred dollars "to improve

roads and bridges," and the act of August 5, 1870, which provides a special tax of ten cents on the one hundred dollars "for the repair and completion of public buildings."

These "special taxes," amounting together to seventy-two and a half cents on the one hundred dollars, are in very many of the counties added by the county courts to the tax of fifty cents on the one hundred dollars, authorized by said fourth and fifth sections of the act of twenty-second April, and a total of one dollar twenty-two cents and a half thus exacted from the tax-payer for various county purposes. Further than this, it must be remembered that there are special acts applicable *only to individual counties*, authorizing special taxes (sometimes of one or two per cent.) for building court houses and jails, and in many other instances the county courts take advantage of the power given in section thirty-three of the "Act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties, approved August 13, 1870," and impose an additional tax equal to the State tax, or fifty cents more on the one hundred dollars.

This matter calls loudly for action on the part of the Legislature. The amount authorized under one pretense or another to be levied by the county courts is greater than the whole taxes for support of the State Government and the public school system. It is greatly more than is necessary, and it is in many instances squandered shamefully. To illustrate, I have had several cases reported to me where the justices of the peace, sitting as the county court, have voted money of the county to pay the expense of making out their assessment rolls, for which service they receive a compensation from the State. Other instances of misappropriation are reported, such as the justices voting themselves office rent, fuel and lights.

I am of the opinion that twenty-five cents on the one hundred dollars, with the right, which the counties have, to levy an occupation tax, is sufficient for all ordinary or extraordinary county purposes, such as paying outstanding indebtedness, building or repairing court houses and jails, and all other purposes connected with the support of the county organizations. This tax is greater than was ever allowed previous to 1869 (when the military authorized a tax of fifty cents on the one hundred dollars for special purposes), and is more than an economical administration of the county funds will require.

For roads and bridges, ten cents on the one hundred dollars is sufficient, but the expenditure of even this amount ought to be guarded more effectually than it is, as the law now stands. The proceeds of the large tax now authorized for this purpose, are made way with

by many of the county courts, and people see no improvement in their roads and bridges.

Very respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.

Mr. Robertson moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The main question being on the adoption of the substitute, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Elam, Ellis, Evans, Gant, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Shelburne, Simmons, Slaughter, Smyth, Stirman, Van Noy, Weaver, York, Young, Zapp—49.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dorris, Dupree, George, Grothaus, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Patten, Robinson, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, Youngkin—24.

So the substitute was adopted.

House bill No. 177 was then ordered to be engrossed and passed to its third reading.

Mr. Robertson moved a suspension of the rules to put House bill No. 177 on its third reading and final passage.

Mr. Schutze moved a call of the House. Call sustained.

Absent, not excused—Messrs. Franks, Gardiner, Morris, Posey, Prissick, Tinsley and Zoeller.

On motion of Mr. Slaughter the call of the House was suspended.

Mr. Slaughter moved a reconsideration of the vote by which the House laid on the table House bill No. 373, to be entitled "An act for the relief of Mrs. Nancy Luckey."

The Chair announced Mr. J. F. McKee as a member of the Committee on Town and City Corporations.

On motion of Mr. Slaughter the House, at 1:30 o'clock P. M., adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 15, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Lane the reading of yesterday's journal was dispensed with.

Mr. Stockbridge moved that Mr. Schlotman be granted indefinite leave of absence from date. Lost.

UNFINISHED BUSINESS,

Viz; The motion of Mr. Robertson, to suspend the rules to put House bill No. 177 on its third reading and final passage.

Mr. Lane moved a call of the House. Call sustained.

Absent, not excused—Messrs. Davis, Ellis, Miller, Prissick, Posey, Robb, Robertson, Schlickum and Zapp.

On motion of Mr. Jo. Abbott, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Evans moved a suspension of the call. Lost.

Mr. Zoeller moved that the House adjourn until 3 o'clock this P. M. Lost.

On motion of Mr. Franks the call of the House was suspended.

The question recurring on the motion of Mr. Robertson to suspend the rules to put House bill No. 177 on its third reading and final passage, the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Harn, Haswell, Hawkins, Jenkins, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Schlotman, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Stirman, Van Noy, Weaver, Young—42.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Shoemaker, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—31.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

Mr. W. C. Jones, member elect from the tenth district, came forward, qualified and took his seat as a member of the Twelfth Legislature.

REPORTS OF COMMITTEES.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report :

COMMITTEE ROOM,
Austin, May 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit; No. 546, entitled "An act making an appropriation to pay John H. Conner for services as captain of rangers, State of Texas, from January 17, 1860, to May 8, 1860;" No. 784, entitled "An act for the relief of pre-emption settlers in the Mississippi and Pacific Railroad reserve;" No. 785, entitled "An act to incorporate the North Texas Agricultural, Mechanical and Blood Stock Association;" No. 811, entitled "An act authorizing the Commissioner of the General Land Office to issue land certificates in certain cases;" No. 823, entitled "An act to amend section nineteen of 'an act to regulate ferries, approved January 23, 1850,'" No. 830, entitled "An act to establish a ferry across the Brazos river in the counties of Milam and Robertson, at or near the town of Port Sullivan in Milam county;" No. 844, entitled "An act to incorporate the Travis county Agricultural Mechanical and Blood Stock Association;" No. 851, entitled "An act to amend an act entitled 'an act to establish a ferry across Brazos river, at or near the mouth of Little Brazos river in the counties of Burleson and Brazos;'" No. 860, "An act incorporating a toll bridge on the Tahuacana, at the crossing of the public road from Waco to Corsicana;" and No. 923, entitled "An act to authorize A. Dowdy and his associates to construct, own and keep a ferry on Trinity river in Dallas county," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
H. C. ELLIS,
J. F. McKEE,
W. G. ROBINSON.

Report accepted.

Mr. Shoemaker chairman of the Committee on Public Buildings and Grounds submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Buildings and Grounds, to whom was referred House bill No. 675, to be entitled "An act to amend an act entitled 'an act to create the Board of Land Commissioners of Public Grounds and Buildings,'" having carefully considered the same, beg leave to report back and recommend its passage without amendment.

Respectfully,

SHOEMAKER, Chairman,
H. C. YOUNGKIN,
A. D. TINSLEY,
G. W. PATTEN,
DUPREE,
M. KENDALL,
M. A. GASTON,
T. E. ROSS,
SIMMONS

House bill No. 675 was then read and ordered to be engrossed and passed to its third reading.

Mr. J. F. McKee, Chairman of the Committee on Private Land Claims, submitted the following reports:

COMMITTEE ROOM,
Austin, Oct. 30, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred, first, petition of Pierce Hammock for donations of land; second, petition of R. Pierce Hammock for donations of land; third, petition of John Hammock for donations of land; fourth, petition of Johnson Hammock for donations of land; fifth, petition of Joseph Hammock for donations of land; sixth, petition of A. D. Hammock for donations of land as heir of Johnson Hammock and R. Pierce Hammock; seventh, petition of A. D. Hammock for donations of land as heir of John Hammock, Joseph Hammock and Pierce Hammock, beg leave to report back and recommend that all of said Hammock petitions, with their accompanying documents, be laid on the table.

Respectfully,

J. F. McKEE, Chairman,
J. C. JENKINS,
W. W. DAVIS,
F. SCHLICKUM,
R. WILLIAMS.

On motion of Mr. Robinson the report of the committee was adopted and the petitions laid on the table.

COMMITTEE ROOM,
Austin, Nov. 3, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred "Petition of J. Lancaster for relief," having carefully considered the same, beg leave to report back and recommend that it be laid on the table, and that the accompanying bill, which has been prepared by the committee, and which covers the merits of the case, do pass.

J. F. McKEE, Chairman,
J. C. JENKINS,
W. C. PIERSON,
F. SCHLICKUM,
R. WILLIAMS.

The bill reported by the committee (House bill No. 927) to be entitled "An act for the relief of J. Lancaster," was read the first time.

On motion of Mr. Harn the rules were suspended and House bill No. 927 was read the second time.

On motion of Mr. Harn, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 927 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Harn the rules were further suspended and House bill No. 927 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 306, to be entitled "An act for the relief of the heirs of Benj. W. Taliaferro, deceased," having carefully considered the same, beg leave to report back, and recommend its passage.

Respectfully,

J. F. McKEE, Chairman,
J. C. JENKINS,
R. WILLIAMS,
W. C. PIERSON,
SCHLICKUM,
DAVIS.

House bill No. 306 was then read and ordered to be engrossed, and passed to its third reading.

COMMITTEE ROOM,
Austin, Oct. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 290, to be entitled "An act for the relief of John Hayman, his heirs or assigns," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

J. F. McKEE, Chairman,
JENNKIS,
WILLIAMS,
PIERSON,
SCHLICKUM,
DAVIS.

House bill No. 290 was then read and ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM,
Austin, Nov. 3, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 646, to be entitled "An act for the relief of B. H. Davis, assignee of T. J. Chambers, deceased," having carefully considered the same, beg leave to report back, and recommend its passage.

Respectfully,

J. F. McKEE, Chairman,
W. C. PIERSON,
R. WILLIAMS,
J. C. JENKINS,
JO. ABBOTT.

House bill No. 646 was then read and ordered to be engrossed, and passed to its third reading.

COMMITTEE ROOM,
Austin, Nov. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 817, to be entitled "An act for the relief of the heirs of John Pate," after carefully considering the same, would

respectfully recommend the passage of the accompanying substitute, and that the original bill be laid on the table.

Respectfully,

J. F. McKEE, Chairman,
B. B. LACY,
JENKINS,
R. WILLIAMS,
SCHLICKUM.

House bill No. 817 was then read.

The substitute recommended by the committee was then read and adopted in lieu of the original bill.

House bill No. 817 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Smyth the rules were suspended, House bill No. 817 was read the third time, passed, and on motion of Mr. Smyth the title was amended so as to read as follows: "An act authorizing and requiring the Commissioner of the General Land Office to issue patent upon certificate No. 169 to the heirs or assignees of John Pate."

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 721, to be entitled "An act for the relief of the assignees of John Stenson," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

J. F. McKEE, Chairman,
R. WILLIAMS,
F. SCHLICKUM,
JO. ABBOTT,
W. C. PIERSON,
A. D. ELAM.

On motion of Mr. Grothaus, the report was adopted and House bill No. 721 was laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 880, to be entitled "An act for the relief of the heirs of Alexander S. Green, deceased," having carefully con-

sidered the same, beg leave to report back and recommend its passage.

J. F. McKEE, Chairman,
R. WILLIAMS,
F. SCHLICKUM,
JO. ABBOTT,
W. C. PIERSON,
A. D. ELAM.

House bill No. 880 was then read and ordered to be engrossed and passed to its third reading.

Mr. Shoemaker moved a suspension of the rules to put House bill No. 880 on its third reading and final passage. Rules not suspended.

The Chief Clerk was dispatched to the Senate for the concurrence of that body with the following House bills which the House had passed, viz.: Nos. 785, 823, 844, 851, 860 and 923.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred House bill No. 637, to be entitled "An act for the relief of the heirs of George W. Wall, deceased," having carefully considered the same, beg leave to report back, and recommend its passage.

J. F. McKEE, Chairman,
R. WILLIAMS,
F. SCHLICKUM,
JO. ABBOTT,
W. C. PIERSON,
A. D. ELAM.

House bill No. 637 was then read and ordered to be engrossed, and passed to its third reading.

Mr. Bonner moved a suspension of the rules to put House bill No. 637 on its final passage. Rules not suspended.

By unanimous consent, Mr. Schutze offered the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be and are hereby instructed to contract as speedily as possible for the repairing of the Capitol fence, and that the chairman of the Committee on Printing and Contingent Expenses be and is hereby authorized to approve the accounts signed by the chairman of the Committee on Public Buildings and Grounds, not exceeding the amount of five hundred dollars.

Resolution read the first and second times.

Mr. Chambers moved to amend the resolution by adding, "*provided*, that said accounts are approved by the Committee on Printing and Contingent Expenses."

Mr. Evans moved to lay the amendment on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Austin, Booty, Bonner, Chambers, Cole, Davis, Dorris, Evans, Gant, George, Gaston, Harn, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, Miller, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Tinsley, Van Noy, Weaver—39.

Nays—Messrs. Abbott of Austin, Burley, Cotton, Dupree, Elam, Franks, Hamilton, Haswell, Johnson, Kendall, Locke, Lorange, McLean, Medlock, Mitchell, Morris, Moore of Harrison, Patten, Plumley, Robinson, Schlotman, Schutze, Shelburne, Shoemaker, Slaughter, Tegener, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—32.

So the amendment and resolution were laid on the table.

By unanimous consent, Mr. Zapp, from the Committee on Public Lands and Land Office, submitted a majority and minority report, which, on motion of Mr. Plumley were recommitted to the Committee on Public Lands and Land Office.

Mr. Zoeller moved a suspension of the rules to allow him to offer a resolution, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Booty, Burley, Chambers, Cole, Davis, Dorris, Elam, Evans, Franks, Gant, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Leonard, Locke, Lorange, McKee of Guadalupe, McLean, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Robinson, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Stirman, Van Noy, Weaver, Williams of Walker, York, Young, Youngkin, Zoeller—58.

Nays—Messrs. Abbott of Austin, Bonner, Cotton, Dupree, Lane, Lyons, Medlock, Robb, Ross, Schlotman, Smyth, Tegener, Tinsley, Williams of Colorado, Zapp—15.

So the rules were suspended, and Mr. Zoeller offered the following resolution:

Resolved, That this House have afternoon sessions regularly, Sundays excepted, to begin Thursday, the sixteenth instant, and meeting at 3 o'clock.

Resolution read the first and second times.

Mr. Morris moved to strike out "3 o'clock" and insert "7:30 o'clock." Carried.

On motion of Mr. Franks, the resolution was amended by striking out the word "afternoon," and inserting in lieu thereof the word "evening."

The question recurring on the adoption of the resolution as amended, it was adopted.

On motion of Mr. Morrison, the rules were suspended to take up Senate bills on their first reading.

SENATE BILLS ON FIRST READING.

Senate bill No. 291, to be entitled "An act to authorize a change of venue in cases pending in the district courts, pertaining to estates of deceased persons and guardianship," was then read the first time, rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 334, to be entitled "An act to encourage the holding of industrial fairs, by exempting certain property from taxation," was read the first time, rules suspended, read the second time and referred to the Committee on Agriculture and Stockraising.

Senate bill No. 347, to be entitled "An act to incorporate the Houston Dollar Saving Bank," was read the first time, rules suspended, read the second time and referred to the Committee on Commerce and Manufactures.

Senate bill No. 376, to be entitled "An act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur," was read the first time, rules suspended, read the second time and referred to the Committee on Roads, Bridges and Ferries.

Senate bill No. 381, to be entitled "An act to incorporate the Bastrop Ferry Company, at Bastrop, Bastrop county, Texas," was read the first time, and on motion of Mr. Schutze, it was rejected.

Senate bill No. 526, to be entitled "An act to amend an act entitled an act to amend 'an act incorporating the city of Jefferson, in the county of Marion, approved September the eleventh, 1866,' approved August 3, 1870," was read the first time, rules suspended, read the second time and referred to the Committee on Towns and City Corporations.

Senate bill No. 530, to be entitled "An act to authorize the lifting or floating of valid land certificates, in certain cases," was read the first time, rules suspended, read the second time and referred to the Committee on Public Lands and Land Office.

Senate bill No. 544, to be entitled "An act to authorize David L. Cross to construct and keep a dam across the Colorado river, for

milling and manufacturing purposes," was read the first time, rules suspended, read the second time and referred to the committee on State affairs.

Senate bill No. 546, to be entitled "An act to incorporate the Red River Bridge Company," was read the first time, rules suspended, read the second time and referred to the Committee on Roads Bridges and Ferries.

11:30 o'Clock A. M.

SPECIAL ORDER,

Viz: House bill No. 759, to be entitled "An act to regulate life insurance in the State of Texas."

On motion of Mr. Pierson, the consideration of special order was postponed until 10:30 o'clock A. M. to-morrow.

Senate bill No. 542, to be entitled "An act appropriating seventeen thousand dollars for the better protection of the public buildings and archives of the State against fire," was then read.

On motion of Mr. Schutze the rule requiring all bills making appropriations to be considered in a committee of the whole House was suspended in this case.

Senate bill No. 542 was then ordered to its third reading, rules suspended, read the third time and passed by the following vote:

Yeas—Messrs. H. R. Allen, Chambers, Dorris, Dupree, Elam, Evans, Gant, Gardiner, Gaston, Grothaus, Jenkins, Jones, Johnson, Kendall, Kyle, Leonard, Locke, McKee of Guadalupe, Medlock, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Robertson, Schutze, Shelburne, Shoemaker, Stockbridge, Tegener, Williams of Walker, York, Youngkin, Zapp—35.

Nays—Messrs. Abbott of Austin, Booty, Bonner, Burley, Cotton, Davis, George, Harn, Lane, Lyons, Miller, Mitchell, Patten, Rainey, Robb, Robinson, Ross, Schlötman, Self, Sheriff, Smyth, Stirman, Van Noy, Weaver, Williams of Colorado, Young—26.

The title of the bill was agreed to.

In accordance with instructions adopted on the tenth instant, Mr. Morrison, chairman of the Committee on Militia, returned to the House, House bill No. 903, to be entitled "An act to repeal sections twenty-six and twenty-seven of an act entitled 'an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense,' approved June 24, 1870."

Mr. Morrison moved to lay House bill No. 903 on the table.

Mr. Booty moved a call of the House. Call sustained.

Absent, not excused—Messrs. Camp, Hamilton, McLean, Posey, Prissick and Schlickum.

On motion of Mr. Leonard the Sergeant-at-Arms was dispatched for the absentees.

Mr. Plumley moved that Mr. Camp be excused under the call. Lost.

[Mr. Pierson in the chair.]

Mr. Johnson moved a suspension of the call of the House. Call not suspended.

Mr. Grothaus moved that the House adjourn until 7:30 o'clock P. M. Lost.

Mr. Slaughter moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Bonner, Burley, Cotton, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Gaston, Hamilton, Haswell, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robb, Robinson, Ross, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—41.

Nays—Messrs. H. R. Allen, Austin, Booty, Chambers, Cole, Elam, Gant, Grothaus, Harn, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Self, Simmons, Smyth, Stirman, Van Noy, Weaver, Young, Zapp—33.

So the House at 12:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, AUSTIN, TEXAS, November 16, 1871.

House met pursuant to adjournment. Speaker Sinclair in the Chair. Roll called. Quorum present.

Absent, not excused—Messrs. Prissick and Posey.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Franks, the reading of yesterday's journal was dispensed with.

UNFINISHED BUSINESS,

Viz.: The motion of Mr. Morrison to lay on the table House bill No. 903, to be entitled "An act to repeal sections twenty-six and twenty seven of an act entitled 'an act to provide for the enroll-

ment of the militia, the organization and discipline of the State Guards, and for the public defense,' approved June 24, 1870."

Mr. Smyth moved a call of the House. Call sustained.

Absent, not excused—Messrs. Gant, Lane, Miller, Morris, Posey, Prissick, Robertson, Weaver and B. F. Williams.

Mr. Locke moved a suspension of the call of the House; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Camp, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patten, Robinson, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Leonard, Lorange, Lyons, McLean, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Ross, Schlickum, Schutze, Self, Shelburne, Simmons, Smyth, Stirman, Williams of Walker, York, Young—38.

So the House refused to suspend the call.

Mr. Kyle moved that the Sergeant-at-Arms be dispatched for the absentees, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Elam, Ellis, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Leonard, Locke, Lorange, Lyons, McLean, Medlock, Morris, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Walker, York, Young, Zapp, Zoeller—62.

Nays—Messrs. Richard Allen, Burley, Cotton, Dorris, Dupree, McKee of Guadalupe, Mitchell, Morrison, Moore of Harrison, Patten, Slaughter, Tinsley, Youngkin—13.

So the Sergeant-at-arms was dispatched for the absentees.

Mr. Evans moved a suspension of the call. Lost.

Mr. Johnson moved that the House adjourn until 3 o'clock P. M. Lost.

Mr. Booty moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Booty, Bonner, Camp, Chambers, Cole, Evans, Franks, Gardiner, George, Gaston, Grothaus, Harn, Haswell, Jenkins, Jones, Johnson, Kyle, Lacy, Leonard, Locke,

Lorance, Lyons, McLean, Medlock, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Robinson, Schlickum, Schlotman, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Burley, Cotton, Davis, Dorris, Dupree, Elam, Ellis, Hamilton, Hawkins, Kendall, McKee of Guadalupe, Robb, Ross, Schutze, Self—19.

So the call was suspended.

11:30 O'CLOCK A. M.

SPECIAL ORDER,

Viz.: House bill No. 759, to be entitled "An act to regulate life insurance in the State of Texas."

On motion of Mr. Pierson, the consideration of special order was postponed until 10:30 o'clock A. M. to-morrow.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following House bills, to-wit: No. 714, "An act to incorporate the St. Marys Institute;" No. 110, "An act to incorporate the Texas Lumber and Manufacturing Company;" No. 207, "An act to incorporate the Central Texas Agricultural Association," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman,
GROTHAUS,
SHOEMAKER,
ROSS.

Report accepted and the Chief Clerk dispatched to the Senate with the enrolled House bills reported on by the committee, for the signature of the President of that body, which were signed by the President and returned to the House.

UNFINISHED BUSINESS—Resumed.

The question being on the motion to lay House bill No. 903 on the table, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Schutze, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McLean, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, Young—41.

So the House refused to lay House bill No. 903 on the table.

Mr. Evans moved to amend by inserting the word "five" immediately after the word "sections."

Mr. Morris moved to lay the amendment on the table. Lost.

The question recurring on the amendment offered by Mr. Evans, it was adopted.

Mr. Evans moved to amend by inserting after "five," "twenty-two." The amendment was adopted.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being on ordering House bill No. 903 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McLean, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young—45.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Schutze, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—30.

So House bill No. 903 was ordered to be engrossed and passed to its third reading.

M. Evans moved a suspension of the rules to take up House bills

on their third reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, George, Gaston, Hamilton, Haswell, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McLean, Morrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegen-
ner, Van Noy, Weaver, Williams of Walker, York, Young, Young-
kin, Zapp—57.

Nays—Messrs. Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Gardiner, Grothaus, Kendall, McKee of Guadalupe, Med-
lock, Morris, Moore of Harrison, Patten, Robinson, Tinsley, Williams
of Colorado, Zoeller—18.

So the rules were suspended, two-thirds of the members present voting in the affirmative.

BILLS ON THIRD READING.

House bill No. 546, to be entitled "An act making an appropria-
tion to pay John H. Conner for services as captain of rangers, State
of Texas, from January 17, 1860, to May 8, 1860," was read the
third time. The House refused to pass the bill by the following
vote:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Camp,
Chambers, Dupree, Evans, Gant, Gaston, Harn, Jenkins, John-
son, Kyle, McLean, Miller, Plumley, Putnam, Rainey, Robertson,
Robinson, Schutze, Shoemaker, Simmons, Slaughter, Smyth, Stock-
bridge—26.

Nays—Messrs. Abbott of Hill, Richard Allen, Booty, Bonner,
Burley, Cole, Cotton, Davis, Dorris, Elam, Ellis, Gardiner, George,
Grothaus, Hamilton, Hawkins, Jones, Kendall, Lacy, Lane, Leonard,
Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell,
Morris, Morrison, Moore of Harrison, Patten, Pierson, Polly, Robb,
Ross, Schlickum, Schlotman, Self, Shelburne, Sheriff, Stirman,
Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado,
Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—52.

House bill No. 727, to be entitled "An act for the relief of
Robert J. Talley, late sheriff and John Wood, late district clerk of
McLennan county, Texas," was read the third time and the House
refused to pass the same by the following vote:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen,
Austin, Burley, Camp, Cotton, Evans, Franks, Gardiner, Gaston,

Hamilton, Haswell, Jenkins, Johnson, Kyle, Leonard, McLean, Miller, Patten, Pierson, Plumley, Putnam, Rainey, Robb, Robertson, Zapp—27.

Nays—Messrs. Richard Allen, Booty, Bonner, Chambers, Cole, Davis, Dorris, Dupree, Elam, Ellis, Gant, George, Grothaus, Harn, Hawkins, Jones, Kendall, Lacy, Lane, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Polly, Robinson, Ross, Schlickum, Schlotman, Self, Shelburne, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—51.

House bill No. 784, to be entitled "An act for the relief of pre-emption settlers in the Mississippi and Pacific Railroad Reserve," was read the third time, passed and its title agreed to.

House bill No. 811, to be entitled "An act authorizing the Commissioner of the General Land Office to issue land certificates in certain cases," was read the third time, and upon the passage of the bill the yeas and nays were called for, and resulted as follows.

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Camp, Cole, Dupree, Elam, Gant, Gardiner, George, Grothaus, Harn, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Plumley, Putnam, Robertson, Schlickum, Schutze, Sheriff, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Walker, Zapp, Zoeller—42.

Nays—Messrs. Abbott of Hill, Richard Allen, Bonner, Burley, Chambers, Cotton, Davis, Dorris, Ellis, Evans, Franks, Gaston, Hamilton, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Polly, Rainey, Robb, Ross, Schlotman, Self, Shelburne, Shoemaker, Tinsley, Williams of Colorado, York, Young, Youngkin—37.

So the bill passed and its title was agreed to.

House bill No. 830, to be entitled "An act to establish a ferry across the Brazos river, in the counties of Milam and Robertson, at or near the town of Port Sullivan, in Milam county," was read the third time, passed, and its title agreed to.

The motion of Mr. Booty, made on November 4, to reconsider the vote by which the House refused to order House bill No. 883, to be entitled "An act to authorize the Superintendent of Immigration to pay the passage of immigrants from Chicago to Texas, from the city of New Orleans to Texas," to be engrossed and passed to its third reading, next came up.

The House refused to reconsider.

House bill No. 903, to be entitled "An act to repeal sections twenty-six and twenty-seven of an act entitled 'an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense,' approved June 24, 1871," was read the third time and passed by the following vote, the yeas and nays having been called for.

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Ellis, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young—43.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Schutze, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—34.

On motion of Mr. Evans, the title was amended by inserting after the word "section" the words "five and twenty-two." And, as amended, it was agreed to.

On motion of Mr. Plumley, the rules were suspended to allow Mr. Stockbridge, chairman of the Committee on Engrossed bills, to submit the following reports:

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills, ask leave to report that they have carefully examined House bill No. 885, to be entitled "An act concerning the collection of public money," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

COMMITTEE ROOM, }
Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit:

No. 177, to be entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box;'" No. 290, to be entitled "An act for the relief of John Hayman, his heirs or assigns;" No. 306, to be entitled "An act for the relief of the heirs of Benjamin W. Taliaferro, deceased;" No. 637, to be entitled "An act for the relief of the heirs of George W. Wall, deceased;" No. 646, to be entitled "An act for the relief of B. H. Davis, assignee of T. J. Chambers, deceased;" No. 817, to be entitled "An act authorizing and requiring the Commissioner of the General Land Office to issue patent upon certificate No. 169, to the heirs or assignees of John Pate;" No. 880, to be entitled "An act for the relief of the heirs of Alexander S. Green, deceased;" and No. 927, to be entitled "An act for the relief of J. Lancaster," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
B. S. SHELBURNE,
H. C. ELLIS.

Reports accepted.

[Mr. Morrison in the chair.]

Mr. Evans moved a suspension of the rules to take up bills on their third reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cole, Cotton, Davis, Dupree, Elam, Ellis, Evans, Franks, Gant, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—69.

Nays—Messrs. Richard Allen, Dorris, Gardiner, Hamilton, Kendall, McKee of Guadalupe, Morris, Patten, Robinson, Zoeller—10.

So the rules were suspended, two-thirds of the members present voting in the affirmative.

[Speaker resumed the chair.]

BILLS ON THIRD READING.

House bill No. 177, to be entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting

elections; making returns, and for the protection and purity of the ballot box,' approved August 15, 1870," was read the third time.

Mr. Evans moved to amend by striking out "second Tuesday of March" and inserting in lieu thereof the words "first Tuesday in August."

A message was received from the Senate transmitting for signature of the Speaker the following enrolled Senate bills and joint resolutions, viz.: Nos. 4, 60, 212, 240, 473, 453, 521, 541, and 561, which were signed and returned to the Senate.

Mr. Plumley moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The question being first on the adoption of the amendment offered by Mr. Evans, the yeas and nays were called for and resulted as follows:

Yeas—Mr. Speaker, Abbott of Austin, H. R. Allen, Richard Allen, Austin, Booty, Burley, Camp, Cotton, Davis, Dupree, Evans, Gant, Gardiner, George, Grothaus, Hamilton, Haswell, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Leonard, Locke, Lorance, Lyons, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Robertson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tegen, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—55.

Nays—Messrs. Abbott of Hill, Bonner, Chambers, Cole, Dorris, Elam, Ellis, Franks, Gaston, Harn, Hawkins, Lane, McKee of Guadalupe, McLean, Morris, Polly, Putnam, Rainey, Robb, Robinson, Ross, Self, Shelburne, Slaughter, Weaver, Zoeller—26.

So the amendment was adopted, two-thirds of the members present voting in the affirmative.

House bill No. 177 was then passed by the following vote, the yeas and nays having been called for:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cotton, Davis, Dupree, Ellis, Evans, Gant, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Leonard, Locke, Lorance, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Stockbridge, Tegen, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—68.

Nays—Messrs. Bonner, Dorris, Elam, Franks, Gaston, Hawkins, Lane, Morris, Rainey, Robb, Robinson, Zoeller—12.

The title of the bill was agreed to.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills, beg leave to report that they have this day sent to the Governor, for his approval, the following House bills, to-wit: No. 213, "An act to incorporate the Benevolent Association of Austin;" No. 862, "An act making an appropriation to supply the deficiencies ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, justices of the peace and sheriffs in felony cases;" No. 90, "An act to incorporate the Lake City Cotton and Wool Manufacturing Company."

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted.

House bill No. 290, to be entitled "An act for the relief of John Hayman, his heirs or assigns," was read the third time, passed, and its title agreed to.

House bill No. 306, to be entitled "An act for the relief of the heirs of Benjamin W. Taliaferro, deceased," was read the third time, and the House refused to pass the same.

Mr. Evans moved to adjourn until 7:30 o'clock this P. M. Lost.

House bill No. 637, to be entitled "An act for the relief of the heirs of George W. Wall, deceased, was read the third time, passed, and its title agreed to.

A message was received from the Senate, returning House bills Nos. 773, 769, 730, 824, 844, 876, 801 and 749, passed without amendment; and House bill No. 767, passed with amendment.

House bill No. 646, to be entitled "An act for the relief of B. H. Davis, assignee of T. J. Chambers, deceased," was read the third time.

Mr. Chambers moved to postpone indefinitely the consideration of House bill No. 646; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Chambers, Dorris, Franks, George, Gaston, Haswell, Hawkins, Kendall, Lane, Mitchell, Patten, Schlickum, Self, Shoemaker, Stirman, Tegener—19.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Camp,

Cotton, Davis, Dupree, Elam, Evans, Gant, Gardiner, Grothaus, Hamilton, Jenkins, Jones, Johnson, Kyle, Lacy, Leonard, Locke, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Morris, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlotman, Schutze, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Stockbridge, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—53.

So the House refused to postpone its consideration.

The question recurring on the passage of the bill, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Dupree, Elam, Evans, Gant, Gardiner, Grothaus, Hamilton, Haswell, Jenkins, Jones, Johnson, Kyle, Lacy, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McLean, Miller, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Robb, Robertson, Schlotman, Schutze, Shelburne, Simmons, Smyth, Stockbridge, Tegener, Van Noy, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Chambers, Cotton, Davis, Dorris, Franks, George, Gaston, Hawkins, Kendall, Lane, Medlock, Mitchell, Morris, Patten, Rainey, Ross, Schlickum, Self, Sheriff, Shoemaker, Slaughter, Stirman, Tinsley, Weaver, Williams of Colorado—28.

So the bill passed and its title was agreed to.

House bill No. 880, to be entitled "An act for the relief of the heirs of Alexander S. Green, deceased," was read the third time, passed and its title agreed to.

House bill No. 885, to be entitled "An act concerning the collection of public money," was read the third time, passed, and on motion of Mr. Evans the title was amended so as to read as follows: "An act amendatory of sections twenty-eight and thirty-one of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871."

On motion of Mr. Plumley the rules were suspended to take up bills on their second reading.

BILLS ON SECOND READING.

House bill No. 924, to be entitled "An act to incorporate the Galveston, Denver and Pacific Short Line Railway Company, and to promote the construction thereof," was read the second time and referred to the Committee on Internal Improvements.

House bill No. 926, to be entitled "An act for the relief of H. T. Patterson," was read the second time.

On motion of Mr. Robertson, the rule requiring all bills on their second reading to be referred to committees and all bills making appropriations to be considered in a committee of the whole House were suspended in this case.

The question then recurred on ordering House bill No. 926 to be engrossed and passed to its third reading.

On motion of Mr. Locke, the House at 1 o'clock P. M. adjourned until 7:30 this P. M.

— EVENING SESSION.

7:30 o'clock, P. M.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Camp, Dupree, Lorange, Lyons, Medlock, Miller, Posey and Prissick.

UNFINISHED BUSINESS,

Viz.: The question of ordering House bill 926 to be engrossed and passed to its third reading. It was so ordered.

House joint resolution No. 38, "Joint resolution proposing an amendment to section one, article nine, of the Constitution of this State," was read the second time and referred to the Committee on Judiciary.

House joint resolution No. 39, "Joint resolution proposing an amendment to section four of article three of the Constitution of the State of Texas," was read the second time and referred to the Committee on Judiciary.

Mr. Robertson moved a suspension of the rules to allow the introduction of bills and resolutions, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Franks, Gant, George, Haswell, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, McKee of Guadalupe, McLean, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Schlickum, Schlötman, Schutze, Self, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, York—44.

Nays—Messrs. Richard Allen, Burley, Cotton, Davis, Dorris, Gardiner, Hamilton, Kendall, Mitchell, Morris, Morrison, Moore

of Harrison, Patten, Robinson, Shoemaker, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—20.

So the rules were suspended, two-thirds of the members present voting in the affirmative.

Mr. Robertson introduced a bill (House bill No. 928) to be entitled "An act to provide for the reimbursement of the citizens of Limestone and Freestone counties for taxes paid under the proclamation of the Governor placing said counties under martial law, dated October 9, 1871, and to compensate them for property seized by the military in said counties, and making an appropriation therefor," which was read the first time.

Mr. Robinson moved to reject House bill No. 928.

Mr. Schutze moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Austin, Booty, Bonner, Burley, Chambers, Cole, Cotton, Davis, Elam, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, McLean, Mitchell, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Stirman, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—60.

Nays—Messrs. Abbott of Austin, Dorris, Locke, McKee of Guadalupe, Morris, Slaughter, Stockbridge—7.

So the main question was ordered.

The main question being on the motion of Mr. Robinson to reject House bill No. 928, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Locke, McKee of Guadalupe, Mitchell, Morris, Patten, Robinson, Stockbridge, Tinsley, Youngkin—15.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, McLean, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Stirman, Tegener, Van Noy, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—52.

So the House refused to reject House bill No. 928.

Mr. Slaughter moved a suspension of the rules to put House bill No. 928 on its second reading, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Franks, Gant, George, Gaston, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, McLean, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Stirman, Stockbridge, Tegener, Van Noy, Williams of Walker, York—49.

Nays—Messrs. R. Allen, Burley, Cotton, Davis, Dorris, Gardner, Grothaus, Locke, McKee of Guadalupe, Mitchell, Morris, Patten, Robinson, Tinsley, Williams of Colorado, Youngkin, Zapp, Zoeller—18.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. Franks presented a bill (House bill No. 929) to be entitled "An act to incorporate the Memphis, Camden and Texas Railroad Company," which was read the first time.

On motion of Mr. Schutze, the rules were suspended to allow him to offer the following resolution:

Resolved, That the chairmen of the Committees on Enrolled and Engrossed Bills be and are hereby authorized to employ necessary clerks for their respective committees.

Resolution read the first and second times.

Mr. Evans moved to amend the resolution to read as follows:

Resolved, that the chairman of the Committee on Enrolled Bills, be and is hereby authorized to employ one assistant clerk.

Mr. Grothaus moved to lay the amendment on the table.

Mr. Slaughter moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" The main question was ordered.

The question being first on the adoption of the amendment offered by Mr. Evans, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Booty, Chambers, Cole, Davis, Dorris, Elam, Evans, Franks, Gant, George, Gaston, Hamilton, Jenkins, Jones, Kendall, Kyle, Lane, Leonard, Locke, McKee of Guadalupe, Morris, Morrison, Moore of Harrison, Pierson, Putnam, Rainey, Robinson, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Stirman, Stockbridge, Van Noy, York, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Austin, Austin, Bonner, Burley, Cotton, Gardiner, Grothaus, Harn, Haswell, Hawkins, Johnson, Lacy, McLean, Mitchell, Patten, Plumley, Polly, Robb, Robertson, Schutze, Slaughter, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin—26.

So the amendment was adopted.

The question recurring on the adoption of the resolution as amended, it was adopted.

Mr. Johnson moved a suspension of the rules to allow the introduction of bills. Lost.

Mr. Grothaus moved a suspension of the rules to allow him as chairman of the Committee on Commerce and Manufactures to make a report. Lost.

On motion of Mr. Chambers, Mr. Smyth was excused from attendance on the House from and after Monday next.

Mr. Schutze moved that the Select Committee to Examine the the Comptroller's and Treasurer's offices be allowed a clerk to date from the time of the appointment of said committee. Carried.

REPORTS OF COMMITTEES.

Mr. Evans, chairman of the Committee on Senate Bill No. 496, to be entitled "An act supplemental to an act entitled 'an act in relation to the location, survey and return of genuine land certificates,' passed April 25, 1871," submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The select committee, to whom was referred Senate bill No. 496, entitled "An act in relation to the location, survey and return of genuine land certificates, passed April 25, 1871," together with the report thereon of the Committee on Public Lands and Land Office, report the same back to the House with the recommendation that the bill do pass with the amendments recommended by the Committee on Public Lands and Land Office, and also with the following amendments, viz:

1. Amend the amendment already proposed to section two of the bill by striking out the word "twelve" and inserting the word "eight" before the word "months."

2. Amend section one by striking out the word "claims" in

line six, and inserting in lieu thereof the words "certificates, warrants and scrip."

Respectfully submitted,

IRA H. EVANS, Chairman,
A. J. BOOTY,
A. B. GANT.

On motion of Mr. Grothaus, the amendment recommended by the select committee to the amendment recommended by the Committee on Public Lands and Land Office, viz: Strike out the words "twelve" before the word "months," and insert in lieu thereof the word "eight," was adopted.

The question recurring on the adoption of the amendment recommended by the Committee on Public Lands and Land Office as amended, it was adopted.

On motion of Mr. Grothaus, the second amendment was adopted, viz: In section one strike out the word "claims," and insert the words "certificates, warrants and scrip."

On motion of Mr. Grothaus the amendment recommended by the Committee on Public Lands and Land Office to section one, viz: Strike out the words "by leaving on file with the field notes of the first location a true copy of such certificate," and insert as follows: "and it shall be the duty of the Commissioner of the General Land Office to endorse on every certificate thus withdrawn the amount of land already located, of which field notes have been returned and are on file in the General Land Office," was adopted.

Senate bill No. 496 was then ordered to its third reading.

Senate bill No. 496 was then read the third time, passed and its title agreed to.

Mr. Evans, chairman of the Committee on House bill No. 184, to be entitled "An act to authorize the Commissioner of the General Land Office to issue land certificates and warrants in certain cases," submitted the following report:

COMMITTEE ROOM, {
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The select committee to whom was referred House bill No. 184, with the report thereon of the Committee on Public Lands and Land Office, report the same back to the House with the recommendation that the bill be rejected. In the opinion of the committee this bill is too comprehensive in its character, and too loose in its provisions for the protection of the interests of the State. We believe that, if passed, this bill would open the door for the recognition of a large number of certificates and warrants for land, not hereto-

fore recognized as valid because some of them are forgeries, some were issued to assignees upon forged transfers, some are duplicates of certificates and warrants upon which lands had been located, and others are equally objectionable for other reasons.

Every possible opportunity was offered by the State to the holders of certificates and warrants to establish their validity. To those who were dissatisfied with the decision of the Court of Claims, the courts of the State were thrown open, and they were allowed to bring suits to establish the validity and justice of their claims.

If, by any possibility, there are a few exceptional cases justly calling for relief, we believe the interests of the State would be guarded better and justice be done as well to individuals by legislative action being had upon each case according to its merits.

Respectfully submitted,

IRA H. EVANS, Chairman,
A. J. BOOTY,
A. B. GANT.

On motion of Mr. Evans, House bill No. 184 was rejected.

Mr. Hawkins moved to adjourn until 10 o'clock A. M. to-morrow.
Lost.

Mr. Robinson, chairman of the Select Committee on Senate bill No. 79, to be entitled "An act to amend an act entitled 'an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico,'" submitted the following report;

COMMITTEE ROOM,
Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your select committee to whom was referred Senate bill No. 79, to be entitled "An act to amend an act entitled 'an act granting pensions to the surviving veterans of the revolution which separated Texas from Mexico,'" having carefully considered the same, beg leave to report back, and recommend its passage, with the following amendment to said bill as heretofore amended: In section one, after the word "Mexico," insert the following: "or their surviving widows."

Respectfully,

ROBINSON, Chairman,
SHOEMAKER,
KYLE,
JENKINS.

On motion of Mr. Elam, the amendment recommended by the select committee was adopted.

The question then recurred on the motion of Mr. Pierson, made on the 11th inst., to amend section one by inserting after the word

"State" the following words: "and each survivor of the signers of the Declaration of Independence." Lost.

Senate bill No. 79 was then ordered to its third reading, read the third time, passed, and its title agreed to.

On motion of Mr. Hawkins, Mr. Jo. Abbott was excused from attendance on the House for six days from next Friday.

Mr. Robertson, chairman of the Select Committee on Senate joint resolution No. 40, "Joint resolution leasing certain real estate in the city of Austin, the property of the State of Texas, to certain Masonic bodies for the erection of a Masonic temple thereon," submitted the following report:

COMMITTEE ROOM,
Austin, Oct. 28, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your select committee, to whom was referred Senate joint resolution No. 40, "Leasing certain real estate in the city of Austin, the property of the State of Texas, to certain Masonic bodies for the erection of a Masonic temple thereon," have carefully considered the same, and respectfully recommend the passage of the same, without amendment.

Respectfully,

JOHN W. ROBERTSON, Chairman,
IRA H. EVANS,
J. F. McKEE, dissenting.

Senate joint resolution No. 40 was then read.

Mr. J. F. McKee offered a substitute for Senate joint resolution No. 40.

Mr. Schutze moved to lay Senate joint resolution No. 40 on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cole, Cotton, Davis, Dorris, Elam, Franks, Gant, Gardiner, George, Gaston, Hawkins, Locke, Morrison, Moore of Harrison, Patten, Polly, Rainey, Robb, Robertson, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Stirman, Tegener, Van Noy, Williams of Walker, Zoeller—32.

Nays—Messrs. Austin, Booty, Bonner, Chambers, Evans, Grothaus, Hamilton, Harn, Haswell, Jenkins, Jones, Johnson, Kendall, Kyle, Lane, Leonard, McKee of Guadalupe, McLean, Mitchell, Morris, Plumley, Putnam, Self, Shoemaker, Simmons, Stockbridge, Tinsley, Youngkin, Zapp—29.

So Senate joint resolution was laid on the table.

On motion of Mr. Franks, the House at 9:30 P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 17, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused--Messrs. Posey and Prissick.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Burley the reading of yesterday's journal was dispensed with.

REPORTS OF COMMITTEES.

By unanimous consent, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 675, entitled "An act to amend an act entitled 'an act to create the Board of Commissioners of Public Grounds and Buildings;'" No. 766, entitled "An act for the relief of certain settlers in Peters's Colony," and No. 903, entitled "An act to repeal sections five, twenty-two, twenty-six and twenty-seven of an act entitled 'an act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for the public defense,' approved June 24, 1870," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
B. S. SHELBURNE.

Report accepted.

Mr. Evans moved that the Committee on Privileges and Elections be required to report back House bills Nos. 864 and 865, upon which the yeas and nays were called for and resulted as follows:

Yeas--Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, McLean, Pierson, Polly, Putnam, Rainey, Schlickum, Self, Shelburne, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young, Zapp--37.

Nays—Messrs. Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Haswell, Kendall, Locke, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patten, Robinson, Sheriff, Shoemaker, Slaughter, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—30.

So the Committee on Privileges and Elections were ordered to report back said bills.

House bill No. 864, to be entitled "An act to amend section four of 'an act to provide for the registration of voters,' approved July 11, 1870," was then read.

Mr. Evans moved a call of the House. Call sustained.

Absent, not excused—Messrs. Hawkins, Lorange, Morris, Posey, Prissick, Robb, Robertson, Ross and Schlotman.

On motion of Mr. Lane, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Dupree moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schutze, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Zoeller—33.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Elam, Evans, Gant, Gaston, Jenkins, Jones, Kyle, Lacy, Lane Leonard, Lyons, McLean, Miller, Pierson, Polly, Putnam, Rainey, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Van Noy, Weaver, Young, Youngkin, Zapp—37.

So the House refused to suspend the call.

Mr. R. Allen moved that the House adjourn until 11 o'clock A. M. Lost.

Mr. R. Allen moved a suspension of the call of the House. Lost.

Mr. Burley moved that the House adjourn until 10.30 o'clock A. M.; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Burley, Dupree, Grothaus, Hamilton, Mitchell, Morris, Morrison, Patten, Stockbridge, Zoeller—13.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Davis, Dorris, Elam, Evans, Franks, Gant, Gardiner, George, Gaston, Harn, Haswell, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of

Guadalupe, McLean, Medlock, Miller, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp—61.

So the House refused to adjourn.

Mr. Burley moved a suspension of the call of the House. Lost.

Mr. Schutze moved to adjourn until 7:30 o'clock P. M. Lost.

Mr. Evans moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows :

Yeas---Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Elam, Evans, Franks, Gant, Gardiner, George, Grothaus, Hamilton, Haswell, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Stirman, Tegener, Van Noy, Weaver, Young---46.

Nays---Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dorris, Dupree, Ellis, Gaston, Harn, Johnson, Kendall, Locke, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patten, Robinson, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—28.

So the call was suspended.

11:30 o'CLOCK A. M.

SPECIAL ORDER,

Viz.: House bill No. 759, to be entitled "An act to regulate life insurance in the State of Texas."

Mr. Evans moved that the special order be postponed until the business now under consideration be disposed of, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Elam, Ellis, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Ross, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Van Noy, Weaver, Young---45.

Nays---Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dorris, Dupree, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patten, Robinson, Schlickum, Shoemaker, Slaughter,

Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—31.

So the special order was postponed.

Mr. Evans moved the previous question on House bill No. 864. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Elam, Ellis, Evans, Gant, Gardiner, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Ross, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Van Noy, Weaver, Young—41.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dupree, Franks, George, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schutze, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—35.

So the main question was ordered.

The main question being on ordering House bill No. 864 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Ross, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Van Noy, Weaver, Young—39.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton Harn, Haswell, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schutze, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—39.

So the House refused to order House bill No. 864 to be engrossed and passed to a third reading,

House bill No. 865, to be entitled "An act to amend section one of 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box,' approved August 15, 1870," was then read.

Mr. Slaughter moved to lay House bill No. 865 on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—39.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Ross, Self, Shelburne, Simmons, Smyth, Stirman, Van Noy, Weaver, York—38.

So House bill No. 865 was laid on the table.

SPECIAL ORDER—Resumed.

House bill No. 759 was then read.

The substitute recommended by the Committee on State Affairs was then read.

On motion of Mr. Schutze, section three of the substitute was amended by striking out the following words: "Every insurance company shall pay to the said Comptroller, as a fee for the examination required by this section, the sum of thirty dollars."

On motion of Mr. Booty, section two was amended by inserting after the word "State," in line six, the words "or United States bonds."

Mr. Schutze moved to lay the substitute on the table; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Cotton, Dorris, Franks, Gardiner, George, Grothaus, Hamilton, Haswell, Kendall, Lane, Leonard, Lorange, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Schutze, Shelburne, Shoemaker, Stockbridge, Tegener, Tinsley, Williams of Walker, Youngkin, Zapp, Zoeller—33.

Nays—Messrs. Abbott of Hill, Austin, Booty, Camp, Cole, Davis, Dupree, Elam, Ellis, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Locke, Lyons, McKee of Guadalupe, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Self, Sheriff, Slaughter, Stirman, Van Noy, Weaver, York, Young—35.

So the House refused to lay the substitute on the table.

Mr. Schutze moved to refer the bill and substitute to a select committee of five.

Mr. Schutze rose to a point of order in regard to remarks being made by Mr. Pierson.

The Chair decided the point or order well taken.

Mr. Pierson apologised for the unparliamentary remarks he had made and retracted what he had said, which was accepted by the House.

A message was received from the Senate transmitting for the concurrence of the House, Senate bills as follows: Senate bill No. 516, "An act to incorporate the Charnwood Institute;" Senate bill No. 520, "An act for the relief of the heirs of Joseph Kerr and Nathaniel M. Kerr;" Senate bill No. 523, "An act to incorporate the Houston Turn Verein;" Senate bill No. 545, "An act creating the Colorado Real Estate and Banking Company," and Senate bill No. 524, "An act to incorporate the Point Isabel City Company."

Also, informing the House that the Senate had concurred in the House amendments to the following Senate bills: Senate bill No. 439, "An act to exempt certain persons from serving on juries;" Senate bill No. 472, "An act to incorporate the Texas European Steamship and Land Company;" Senate bill No. 487, "An act authorizing S. A. Cook to erect and keep a toll bridge across Mineral bayou, in Grayson county," and that the Senate refused to concur in House amendment to Senate bill No. 405, "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856."

The question recurring on the motion of Mr. Schutze to refer House bill No. 759 and the substitute to select committee, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Chambers, Cotton, Dorris, Evans, Franks, George, Grothaus, Hamilton, Haswell, Kendall, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robertson, Robinson, Shelburne, Shoemaker, Slaughter, Stockbridge, Williams of Colorado, Williams of Walker, Zapp, Zoeller—32.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Cole, Davis, Dupree, Elam, Ellis, Gant, Gardiner, Gaston, Harn, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McKee of Guadalupe, Polly, Putnam, Rainey, Robb, Ross, Schlickum, Self, Sheriff, Simmons, Stirman, Van Noy, Weaver, York, Young, Youngkin—38.

So the motion was lost.

Mr. Zapp moved to reject House bill No. 759, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Burley, Cotton, Dorris, Evans, Franks, George, Grothaus, Hamilton, Harn, Haswell, Kendall,

Medlock, Mitchell, Morris, Moore of Harrison, Patten, Plumley, Sheriff, Shoemaker, Stockbridge, Williams of Colorado, Williams or Walker, Zapp, Zoeller--25.

Nays--Messrs. Abbott of Hill, Austin, Bonner, Camp, Chambers, Cole, Davis, Dupree, Elam, Ellis, Gant, Gardiner, Gaston, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McKee of Guadalupe, Miller, Morrison, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Self, Shelburne, Simmons, Slaughter, Stirman, Van Noy, Weaver, York, Young, Youngkin--43.

So the House refused to reject House bill No. 759.

Mr. Franks moved to postpone the further consideration of House bill No. 759 until Saturday at 8 o'clock P. M., upon which the yeas and nays were called for and resulted as follows:

Yeas--Messrs. Richard Allen, Booty, Cotton, Dorris, Evans, Franks, George, Grothaus, Hamilton, Harn, Haswell, Jones, Johnson, Kendall, Lacy, Lane, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Self, Shelburne, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller--34.

Nays--Messrs. Abbott of Hill, Austin, Bonner, Burley, Camp, Chambers, Cole, Davis, Dupree, Elam, Ellis, Gant, Gaston, Jenkins, Kyle, Leonard, Locke, Lyons, McKee of Guadalupe, Miller, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Sheriff, Simmons, Stirman, Van Noy, Weaver, York, Young--35.

So the House refused to postpone the consideration of House bill No. 759.

Mr. Kyle moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" The House refused to order the main question.

Mr. Burley moved to adjourn until 7 o'clock this P. M. Lost.

Mr. Slaughter moved that the further consideration of House bill No. 759 be postponed until Monday next, at 11 o'clock A. M. Carried.

Mr. Harn moved that a special committee of seven be appointed to draft a bill redistricting the State of Texas into judicial districts. Said committee shall report at any time, and shall be allowed a clerk. Carried.

The Chair appointed as such committee Messrs. Harn, Franks, Slaughter, Schutze, Jenkins, Elam and Robb.

Mr. Robertson moved a reconsideration of the vote by which the House laid on the table Senate joint resolution No. 40, "Leasing cer-

tain real estate in the city of Austin, the property of the State of Texas, to certain Masonic bodies for the erection of a Masonic temple thereon."

On motion of Mr. Lane, the rules were suspended, to allow him to introduce a bill (House bill No. 930) to be entitled "An act for the relief of sheriffs," which was read the first time.

On motion of Mr. Grothaus, the rules were suspended and House bill No. 930, was read the second time and referred to the Committee on Finance.

Mr. Harn moved a suspension of the rules to allow him to introduce a bill. Lost.

On motion of Mr. Johnson, such members of the House who desired to speak on the death of Lieutenant Governor Don Campbell, were allowed to print such remarks as though they were spoken before the House.

On motion of Mr. Chambers the rules were suspended to take up from the Speaker's table the Governor's message in relation to the laws relating to the levy of taxes by county or police courts.

On motion of Mr. Chambers the message was referred to the Committee on Finance, with permission to report at any time.

By unanimous consent, Mr. Evans introduced the following bills: A bill (House bill No. 931) to be entitled "An act amendatory of section five of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" a bill (House bill No. 932) to be entitled "An act to amend section one and to repeal section six of 'an act to authorize county courts to levy a road tax and to improve roads and bridges,' passed August 4, 1870;" a bill (House bill No. 933) to be entitled "An act to repeal sections one, two and three of 'an act providing for the payment of the outstanding indebtedness of the several counties,' passed July 21, 1870;" a bill (House bill No. 934) to be entitled "An act to repeal 'an act to authorize the police courts of counties to levy and collect a special tax for the repair and completion of public buildings,' passed August 5, 1870," which were read the first time. Rules suspended, read the second time and referred to the Committee on Finance.

The Chief Clerk was dispatched to the Senate with the following House bills for concurrence of that body in their passage, viz.: House bills Nos. 177, 290, 637, 646, 784, 811, 817, 830, 880, 885, 903 and 927; and returning Senate bills Nos. 79 and 496, which the House had passed with amendments.

On motion of Mr. Jenkins, the rules were suspended to take up out of its regular order Senate bill No. 405, "An act supplementary to the act entitled 'an act to adopt and establish a penal code for

the State of Texas,' approved August 28, 1856," which the House had amended, and the Senate had refused to agree thereto.

On motion of Mr. Jenkins, the House adhered to its amendment.

Mr. Jenkins moved that Senate bill No. 405 be referred to a conference committee, composed of three members of the House, and that the Senate be requested to appoint a committee of two to act in conjunction with the House committee. Carried.

The Speaker appointed Messrs. Jenkins, Evans and Tegener as such committee on the part of the House.

On motion of Mr. Slaughter, the rules were suspended to allow him to offer the following resolution :

Resolved, That the Committee on Finance be and are hereby instructed to report to this House on Monday next at 11 A. M., an amendment to the existing tax law, providing for a reduction of the present taxes at the expiration of this fiscal year; and also, providing for an extension of time for the payment of taxes now due, under circumstances that may demand such extension on the part of the tax payers.

Resolution read the first and second times.

On motion of Mr. Johnson the resolution was amended by striking out "Monday" and inserting "Tuesday."

Mr. Evans moved to amend the resolution by striking out the words "an amendment to the existing tax law," and to insert in lieu thereof "all bills now in that committee."

Pending which, the House, on motion of Mr. Locke, at 1:30 o'clock P. M. adjourned until 7:30 this P. M.

EVENING SESSION.

7:30 o'CLOCK, P. M.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Posey and Prissick.

UNFINISHED BUSINESS,

Viz. : The motion of Mr. Evans to amend the resolution offered by Mr. Slaughter this morning by striking out the words "an amendment to the existing tax law," and insert in lieu thereof "all bills now in that committee."

The following special message was received from the Governor by the hands of his Private Secretary.

GOVERNOR'S OFFICE. }
Austin, Nov. 17, 1871, }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: I return to the House of Representatives, where it originated, the act entitled "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, justices of the peace and sheriffs in felony cases."

I ask that this act be reconsidered, because the amount called for by the bill, if not the result of a clerical error, is excessive, being ten or twenty times more than should be required for these purposes.

Very respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.

The House refused to adopt the amendment offered by Mr. Evans

On motion of Mr. Slaughter the resolution was amended by inserting the words "prepare and" before the word "report."

The question recurring on the adoption of the resolution as amended, it was adopted.

Mr. Johnson moved a suspension of the rules to allow the Committee on Finance to make a report. Lost.

REPORTS OF COMMITTEES.

Mr. Franks, Chairman of the Committee on Judiciary, submitted the following reports :

COMMITTEE ROOM, }
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 383, to be entitled "An act to empower the sheriffs of the several counties of this State to make conveyance to purchasers of land sold for taxes, under an act approved November 10, A. D. 1866, entitled 'an act for the assessment and collection of

taxes," have had the same under consideration and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
H. W. YOUNG,
ROBERT ZAPP,
MORRISON,
J. D. GEORGE,
GROTHAUS,
W. P. McLEAN,
J. W. ROBERTSON.

House bill No. 383 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were suspended and House bill No. 383 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 693, to be entitled "An act to regulate the fees of the clerk of the Supreme Court in certain cases," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
W. P. McLEAN,
J. W. ROBERTSON,
W. J. LOCKE,
A. D. ELAM.

House bill No. 693 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks the rules were suspended and House bill No. 693 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 694, to be entitled "An act to authorize the Supreme

Court to appoint a librarian," having carefully considered the same, beg leave to report back and recommend its passage,

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
F. E. GROTHAUS,
W. P. McLEAN,
J. W. ROBERTSON,
W. J. LOCKE.
A. D. ELAM.

House bill No. 694 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson, the rules were suspended, House bill No. 694 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 4, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 153, to be entitled "An act to amend an act prescribing the times of holding the district courts in the several judicial districts of the State," approved August, 18, 1870, have had the same under consideration and beg leave to report the same back to the House and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
F. E. GROTHAUS,
J. D. GEORGE,
J. W. ROBERTSON,
W. J. LOCKE,
JOHN H. MORRISON.
ROBERT ZAPP.

Senate bill No. 153 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 4, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 154, to be entitled "An act to amend an act entitled

'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," have had the same under consideration, and report the same back and recommend its passage.

Very respectfully,

F. G. FRANKS, Chairman,
F. E. GROTHAUS,
JOHN H. MORRISON,
ROBERT ZAPP,
J. W. ROBERTSON,
W. J. LOCKE.
J. D. GEORGE, dissenting.

Senate bill No. 154 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 536, to be entitled "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," having carefully considered the same, beg leave to report back, and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
ROBT. ZAPP,
F. E. GROTHAUS,
W. P. McLEAN,
J. W. ROBERTSON,
W. J. LOCKE,
A. D. ELAM.

Senate bill No. 536 was then read and ordered to its third reading, read third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 537, to be entitled "An act to amend an act entitled 'an act prescribing the times of holding the district courts in the several judicial districts of this State,' approved August 10,

1870," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman.
F. E. GROTHAUS,
A. D. ELAM.
ROBERT ZAPP,
W. P. McLAEN,
J. W. ROBERTSON,
W. J. LOCKE,

Senate bill No. 537, was then read and ordered to its third reading, read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 203, to be entitled "An act to repeal so much of an act entitled 'an act to authorize and require the clerks of the District Courts of Titus, Travis and San Augustine counties, to apportion the causes on the dockets of said courts as relates in any manner to Travis county,' have had the same under consideration, and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
F. E. GROTHAUS,
W. P. McLEAN,
J. W. ROBERTSON,
W. J. LOCKE,
A. D. ELAM.

Senate bill No. 203 was then read, and on motion of Mr. Booty it was recommitted to the Committee on Judiciary.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 440, to be entitled "An act to amend the twenty-second section of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," having carefully con-

sidered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
F. E. GROTHAUS,
W. P. McLEAN,
J. W. ROBERTSON,
W. J. LOCKE,
A. D. ELAM.

Senate bill No. 440 was then read and ordered to its third reading. Read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 16, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 921, to be entitled "An act to amend an act prescribing the mode of proceeding in the district court in matters of probate," approved August 15, 1870," having carefully considered the same, beg leave to report back, and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
J. W. ROBERTSON,
ROBT. ZAPP,
F. E. GROTHAUS,
J. D. GEORGE,
A. D. ELAM.

House bill No. 921 was then read, and on motion of Mr. Zapp section seven was amended by striking out "twelve" and inserting in lieu thereof "ten."

As amended, House bill No. 921 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were suspended, and House bill No. 921 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 15, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 887, to be entitled "An act to authorize the late State Treasurer to institute suit against the State of Texas," having care-

fully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
F. E. GROTHAUS,
W. P. McLEAN,
J. W. ROBERTSON,
W. J. LOCKE.

I dissent from the recommendation of the majority,
A. D. ELAM.

House bill No. 887 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were suspended and House bill No. 887 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM,

Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 568, to be entitled "An act to amend section three of 'an act to organize the courts of justice of the peace and county courts, and to define their jurisdiction and duties,'" having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman.
ROBERT ZAPP,
F. E. GROTHAUS,
W. P. McLEAN,
J. W. ROBERTSON,
W. J. LOCKE,
A. D. ELAM.

House bill No. 568 was then read, ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were suspended and House bill No. 568 was read the third time, passed and its title agreed to.

COMMITTEE ROOM,

Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 882, to be entitled "An act to create the office of Assistant Attorney General of the State, to define the duties there-

of, and to make an appropriation therefor," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman.

ROBERT ZAPP,

MORRISON,

Dissenting:

YOUNG,

W. P. McLEAN,

J. D. GEORGE,

HAWKINS,

GROTHAUS,

J. W. ROBERTSON,

A. D. ELAM.

House bill No 882 was then read.

On motion of Mr. Evans, the rule requiring all bills making an appropriation to be considered in a committee of the whole House was suspended in this case.

On the question of ordering House bill No. 882 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Booty, Cole, Cotton, Dupree, Evans, Franks, Gardiner, Hamilton, Haswell, Locke, McLean, Morris, Morrison, Pierson, Plumley, Robertson, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Tinsley, Williams of Walker, York, Zapp, Zoeller—27.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Austin, Bonner, Burley, Chambers, Davis, Dorris, Elam, Gant, George, Gaston, Grothaus, Harn, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, Medlock, Mitchell, Patten, Polly, Putnam, Rainey, Robinson, Self, Simmons, Stirman, Stockbridge, Van Noy, Weaver, Williams of Colorado, Youngkin—40.

So the House refused to order House Bill No. 882 to be engrossed and passed to its third reading.

COMMITTEE ROOM,

Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House joint resolution No. 33, "Proposing an amendment to sec

tion twenty-eight article twelve of the State Constitution," have had the same under consideration and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,

F. E. GROTHAUS,

Dissenting:

YOUNG,

MORRISON,

ROBERT ZAPP,

W. P. McLEAN,

J. W. ROBERTSON,

GEORGE.

House joint resolution No. 33 was then read.

Mr. Zapp moved to lay joint resolution No. 33 on the table. Lost.

Mr. Jo. Abbott moved to amend section one by striking out the word "one" before the word "assessor," and inserting in lieu thereof the word "an;" also, to strike out the word "one" after the words "assessor and."

Mr. Slaughter moved to postpone the further consideration of House joint resolution No. 33 until the second day of December next.

On motion of Mr. Medlock the rules were suspended to allow him to introduce a bill (House bill No. 935) to be entitled "An act to authorize W. N. Hall to erect a toll bridge over Post Oak creek in Navarro county," which was read the first time.

Mr. Slaughter raised the point of order that the rules could not be suspended while there was a question pending.

The Chair ruled the point of order not well taken.

Messrs. Slaughter and Elam appealed from the decision of the Chair.

Mr. Plumley moved to lay the appeal on the table; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Richard Allen, Booty, Burley, Chambers, Cole, Cotton, Dupree, Evans, Franks, Gant, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Jones, Johnson, Kendall, Locke, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morrison, Patten, Plumley, Rainey, Robertson, Robinson, Sheriff, Shoemaker, Stockbridge, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—38.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Austin, Bonner, Davis, Elam, Gaston, Hawkins, Jenkins, Kyle, Lacy, Lane, Leonard, McLean, Pierson, Polly, Putham, Robb, Schlickum, Schutze, Self, Slaughter, Tinsley, Weaver—24.

So the appeal was laid on the table.

Mr. Robertson moved a suspension of the rules to put House bill No. 935 on its third reading. Rules suspended.

House bill No. 935 was read the second time and referred to the Committee on Roads, Bridges and Ferries.

The question recurring on the motion of Mr. Slaughter to postpone the further consideration of House joint resolution No. 33.

The yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Booty, Burley, Cotton, Davis, Dupree, Elam, Gant, Gardiner, Gaston, Hamilton, Harn, Kendall, Lacy, Leonard, Locke, Lyons, McLean, Medlock, Morrison, Patten, Plumley, Robertson, Robinson, Schutze, Slaughter, Stockbridge, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—33.

Nays—Messrs. Abbott of Hill, Austin, Bonner, Chambers, Cole, Dorris, Evans, Franks, George, Grothaus, Haswell, Hawkins, Jenkins, Jones, Johnson, Kyle, Lane, McKee of Guadalupe, Mitchell, Pierson, Polly, Putnam, Rainey, Robb, Schlickum, Self, Sheriff, Shoemaker, Tinsley, Weaver, Zoeller—31.

So the consideration of House joint resolution No. 33 was postponed until the second of December.

COMMITTEE ROOM,
Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 788, to be entitled "An act amendatory of an act entitled 'an act to organize courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," have carefully considered the same and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
MORRISON,
F. E. GROTHAUS,
W. J. LOCKE,

Dissenting:

J. W. ROBERTSON.

House bill No. 788 was then read.

Mr. Robertson moved to strike out sections one and two.

On motion of Mr. Jo. Abbott, the House at 9:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 18, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the Chair. Roll called. Quorum present.

Absent, not excused—Messrs. Posey and Prissick.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

UNFINISHED BUSINESS.

The motion of Mr. Robertson to strike out sections one and two of House bill No. 788, to be entitled "An act amendatory of an act entitled 'an act to organize the courts of justices of the peace and county courts and to define their jurisdiction and duties,' approved August 13, 1870." The amendment was adopted and House bill No. 788 ordered to be engrossed.

On motion of Mr. Franks, the rules were suspended and House bill No. 788 was read the third time, passed and its title agreed to.

REPORTS OF COMMITTEES.

Mr. Franks chairman of the Committee on Judiciary, submitted the following majority and minority reports :

COMMITTEE ROOM,
Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House joint resolution No. 35, to repeal section forty-six of article twelve of the State Constitution, and the adoption of a clause in lieu thereof, have had the same under consideration and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
J. D. GEORGE,
F. E. GROTHAUS,
W. P. McLEAN,
W. J. LOCKE,
JOHN W. ROBERTSON,
H. W. YOUNG,
JOHN H. MORRISON.

COMMITTEE ROOM,
Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: The minority of your Committee on Judiciary, to whom was referred House joint resolution No. 35, entitled "Joint resolution to repeal section forty-six of article twelve of the State Constitution, and the adoption of a clause in lieu thereof," dissenting from the majority beg leave to report as follows :

The "Act to give effect to the several provisions of the Constitution concerning taxes," approved April 24, 1871, provides in section three, that an annual direct *ad valorem* tax of one-fourth per centum on all property subject to taxation, for the building and making of roads and bridges ; also, an annual poll tax not less than one dollar upon each and every male person over twenty-one years of age. An act, also, passed August 4, 1870, to authorize county courts to levy a road tax, and to improve roads and bridges.

In counties where the foregoing acts are enforced, the system of making roads by taxation have been a success—why not give the new system a fair trial? The proposed amendment to the Constitution is a step to restore the old system which forced the people to personal service for ten days every year, and has proven a total failure and an injustice to the laboring population of the country. It is a remnant of the old feudal system.

The Constitution as adopted, in section forty-six, article twelve, declares that no law shall be passed requiring the personal service of any of the people on the public roads, and we should leave the restoration of the old system to the party reaction naturally belongs to.

I respectfully recommend that the joint resolution be laid on the table.

ROBERT ZAPP.

Mr. J. F. McKee moved the adoption of the minority report, and that House joint resolution No. 35 be laid on the table. Lost.

Mr. R. Allen moved that the consideration of House joint resolution No. 35 be indefinitely postponed, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Davis, Dorris, Dupree, Gardiner, George, Hamilton, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Robinson, Schlickum, Shoemaker, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—30.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Franks, Gant,

Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Ross, Self, Sheriff, Simmons, Smyth, Stirman, Weaver, York, Young—41.

So the House refused to postpone the consideration of the resolution.

On the question of ordering House joint resolution No. 35 to be engrossed and passed to its third reading, the yeas and nays were called for, and resulted as follows:

* Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Franks, Gant, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Ross, Self, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Weaver, York, Young—42.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Davis, Dorris, Dupree, Gardiner, Hamilton, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—28.

So House joint resolution No. 35 was ordered to be engrossed and passed to its third reading.

Mr Haswell, chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM, }
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following House bills, to-wit: No. 714, "An act to incorporate the St. Marys Institute;" No. 110, "An act to incorporate the Texas Lumber and Manufacturing Company;" No. 207, "An act to incorporate the Central Texas Agricultural Association."

Respectfully,

GEORGE T. HASWELL, Chairman.

Report accepted.

COMMITTEE ROOM, }
Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined and find correctly enrolled the follow-

ing House bills, to-wit: No. 773, "An act authorizing the transcription of the surveyor's records of Comanche county;" No. 824, "An act to amend section two hundred and twenty-eight of 'an act prescribing the mode of proceeding in district courts, in matters of probate,' approved August 15, 1870;" No. 748, "An act to incorporate the North Texas Collegiate Institute, at Bonham;" No. 876, "An act to authorize the County Court of Wharton county to levy a tax to build a jail at the county seat;" No. 801, "An act for the relief of the heirs of Christopher C. Williams, deceased;" No. 844, "An act to incorporate the Travis County Agricultural, Mechanical and Blood Stock Association."

GEORGE T. HASWELL, Chairman,
GROTHAUS,
SHOEMAKER.
TOM ROSS.

Report accepted, and the Chief Clerk dispatched to the Senate with the enrolled bills reported correctly enrolled by the Committee on Enrolled Bills, for the signature of the President of that body, which were signed and returned to the House.

The Chief Clerk also returned to the Senate, Senate bills Nos. 153, 154, 440, 536 and 537, which the House had passed without amendments. Also, informing the Senate that the House refused to recede from its amendment to Senate bill No. 405, to be entitled "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856; and had appointed Messrs. Jenkins, Evans and Tegener as a committee of conference to confer with a like committee from the Senate on said bill.

Mr. Evans raised the point of order that under the rules the Committee on Judiciary was required to report back House bill No. 690, which it had had in its possession more than ten days.

The Chair decided the point of order well taken.

Messrs. Morris and R. Allen appealed from the decision of the Chair.

Mr. Evans moved to lay the appeal on the table; upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Grothaus, Harn, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Patten, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schliekum, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young, Zapp—45.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Davis,

Dorris, Dupree, Franks, Gardiner, George, Hamilton, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Robinson, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller--28.

So the appeal was laid on the table.

The Committee on Judiciary then returned to the House, House bill No. 690, which was read.

Mr. Grothaus, chairman *pro tem.* of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills ask leave to report that they have this day sent to the Governor, for his approval, the following House bills, to-wit: No. 773, "An act authorizing the transcription of the surveyor's records of Comanche county;" No. 824, "An act to amend section two hundred and twenty-eight of 'an act prescribing the mode of proceeding in district courts in matters of probate,' approved August 15, 1870;" No. 748, "An act to incorporate the North Texas Collegiate Institute, at Bonham;" No. 876, "An act to authorize the County Court of Wharton county to levy a tax to build a jail at the county seat;" No. 801, "An act for the relief of the heirs of Christopher C. Williams, deceased;" No. 844, "An act to incorporate the Travis County Agricultural, Mechanical and Blood Stock Association."

GROTHAUS, Chairman *pro tem.*

Report accepted.

Mr. Morris moved to recommit House bill No. 690 to the Committee on Judiciary.

[Mr. Morrison in the chair.]

10:30 o'CLOCK A. M.

SPECIAL ORDER,

Viz.: House bill No. 361, to be entitled "An act to authorize and require the Governor to appoint an agent of State salines to take possession of the salt lake known as El Sal del Rey, and other salines mentioned, and to pay over the revenue arising therefrom to the State."

On motion of Mr. Sinclair the consideration of the special order was postponed until the business under consideration be disposed of.

A message was received from the Senate transmitting for the concurrence of the House Senate bill No. 564.

Mr. McLean moved a call of the House. Call sustained.

Absent, not excused—Messrs. Jenkins, Locke, Posey, Prissick, Schlotman and Tinsley.

On motion of Mr. Burley the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Slaughter the call was suspended.

Mr. Burley moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Harn, Hawkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young, Zapp—42.

Nays—Mr. Speaker, Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Polly, Robinson, Schutze, Shoemaker, Slaughter, Stockbridge, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—34.

So the main question was ordered.

The main question being on ordering House bill No. 690 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cole, Elam, Evans, Gant, George, Gaston, Hawkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Stirman, Tegener, Van Noy, Weaver, Williams of Walker, York, Young, Zapp, Zoeller—50.

Nays—Mr. Speaker, Abbott of Austin, Richard Allen, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Robinson, Shoemaker, Stockbridge, Williams of Colorado, Youngkin—27.

So House bill No. 690 was ordered to be engrossed and passed to its third reading.

Mr. Evans moved to reconsider the vote just taken and to lay the motion to reconsider on the table.

Mr. Slaughter moved that the House adjourn until 7:30 o'clock this P. M. Lost.

Mr. B. F. Williams moved to adjourn until 10 o'clock A. M. Monday; upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, R. Allen, Burley, Cotton, Davis, Dorris, Dupree, George, Grothaus, Hamilton, Harn, Johnson, Locke, McKee of Guadalupe, Medlock, Mitchell, Patten, Robinson, Shoemaker, Slaughter, Stockbridge, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—25.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Franks, Gant, Gardiner, Gaston, Haswell, Hawkins, Jenkins, Jones, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, York, Young, Zapp—50.

So the House refused to adjourn.

The question recurring on the motion of Mr. Evans to lay the motion to reconsider on the table.

The yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Franks, Gant, Gardiner, George, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Plumley, Polly, Putnam, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young, Zapp—47.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Grothaus, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Moore of Harrison, Patten, Robinson, Shoemaker, Slaughter, Stockbridge, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—26.

So the motion to reconsider was laid on the table.

Mr. C. L. Abbott moved that the House adjourn until 10 o'clock A. M. Monday, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Hawkins, Johnson, Locke, McKee of Guadalupe, Medlock, Patten, Putnam, Robb, Robinson, Ross, Schlickum, Schutze, Shoemaker, Slaughter, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—33.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Elam, Evans, Gant, Gaston, Jenkins, Jones, Kendall, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McLean, Miller, Mitchell, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Rainey, Robertson, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tinsley, Van Noy, Weaver, York, Young, Zapp—43.

So the House refused to adjourn.

Mr. Plumley moved a suspension of the rules to put House bill No. 690 on its third reading and final passage, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Dupree, Elam, Evans, Franks, Gant, Gaston, Hawkins, Jenkins, Jones, Kendall, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McLean, Miller, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegenener, Van Noy, Weaver, York, Young, Zapp, Zoeller—50.

Nays—Messrs. Richard Allen, Burley, Cotton, Dorris, Gardiner, George, Hamilton, Harn, Johnson, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Patten, Robinson, Shoemaker, Slaughter, Stockbridge, Williams of Colorado, Williams of Walker, Youngkin—22.

So the rules were suspended.

Mr. Johnson moved that the House adjourn until 10 o'clock A. M. Monday. Lost.

Mr. Morrison moved to adjourn until 7:30 o'clock this P. M. Lost.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Hamilton, Harn, Hawkins, Jenkins, Jones, Kendall, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McLean, Miller, Mitchell, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Stirman, Tegenener, Van Noy, Weaver, Williams of Walker, York, Young, Zapp, Zoeller—56.

Nays—Messrs. Cotton, Davis, Dorris, Dupree, Franks, George, Johnson, Locke, McKee of Guadalupe, Medlock, Robinson, Shoemaker, Stockbridge, Williams of Colorado, Youngkin—15.

So the main question was ordered.

House bill No. 690 was then read.

The main question being on the passage of House bill No. 690, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Hamilton, Hawkins, Jenkins, Jones, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Stirman, Tegener, Van Noy, Weaver, Williams of Walker, York, York, Young, Zapp, Zoeller—50.

Nays—Messrs. Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Franks, George, Harn, Johnson, Locke, McKee of Guadalupe, Medlock Mitchell, Morrison, Patten, Robinson, Shoemaker, Stockbridge, Williams of Colorado, Yungkin—21.

So the bill passed and its title was agreed to.

Mr. Slaughter moved to reconsider the vote just taken.

Mr. Elam moved to lay the motion to reconsider on the table.

Mr. Morrison moved that the House adjourn until 7:30 o'clock this P. M. Lost.

Mr. R. Allen moved that the House adjourn until 10 o'clock A. M. Monday. Lost.

The question recurring on the motion of Mr. Elam to lay the motion of Mr. Slaughter on the table, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Franks, Gant, George, Gaston, Harn, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tegener, Van Noy, Weaver, York, Young, Zapp—48.

Nays—Messrs. Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morrison, Patten, Robinson, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—23.

So the motion to reconsider was laid on the table.

Mr. Locke moved that the House adjourn until 10 o'clock A. M. Monday, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Dorris, Evans, Franks, Gant, George, Gaston, Hamilton, Harn, Hawkins, Jenkins, Jones, John-

son, Kyle, Lacy, Lane, Leonard, Locke, Lorance, Lyons, McLean, Miller, Moore of Harrison, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Shoemaker, Simmons, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Young, Youngkin, Zoeller—56.

Nays—Messrs. Burley, Cotton, Dupree, Elam, Kendall, McKee of Guadalupe, Medlock, Mitchell, Morrison, Patten, Plumley, Sheriff, Slaughter, Williams of Walker, York, Zapp—16.

So the House at 1:30 o'clock P. M. adjourned.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 20, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Posey and Prissick.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Kyle the reading of Saturday's journal was dispensed with.

On motion of Mr. Evans the rules were suspended to allow the introduction of bills.

BILLS.

Mr. Evans introduced the following bills :

A bill (House bill No. 936) to be entitled "An act to regulate the practice in the Supreme Court," which was read the first time; rules suspended, House bill No. 936 read the second time.

On motion of Mr. Franks, the rule requiring all bills on their second reading to be referred to committees, was suspended in this case and House bill No. 936 ordered to be engrossed and passed to its third reading.

On motion of Mr. Booty, the rules were further suspended and House bill No. 936 read the third time, passed and its title agreed to.

A bill (House bill No. 937) to be entitled "An act to incorporate the Pecos Irrigating, Manufacturing and Live Stock Company," which was read the first time.

On motion of Mr. Kyle, the rules were suspended and House bill No. 937 was read the second time and referred to the Committee on Commerce and Manufactures.

A bill (House bill No. 938) to be entitled "An act amendatory of section two of 'an act for ceding to the United States jurisdiction of certain lands in this State for public purposes' approved December 19, 1849," which was read the first time, rules suspended, read the second time.

On motion of Mr. Zoeller, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 938 ordered to be engrossed and passed to its third reading.

On motion of Mr. Zoeller, the rules were further suspended, House bill No. 938 read the third time, passed and its title agreed to.

A bill (House bill No. 939), to be entitled "An act in relation to the approval and payment of claims against the State for repairs, fixtures and furniture of the Governor's mansion, and its appurtenances, and for the improvement of the grounds appertaining thereto," which was read the first time, rules suspended, read the second time and referred to the Committee on Finance.

Mr. Elam introduced a bill (House bill No. 940) to be entitled "An act to authorize a special term of the District Court within and for the county of Houston, Third Judicial District of Texas," which was read the first time, rules suspended, read the second time.

On motion of Mr. Elam the rule requiring all bills on their second reading to be referred to committees was suspended in this case and House bill No. 940 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Elam the rules were further suspended and House bill No. 940 read the third time, passed and its title agreed to.

Mr. Elam also introduced a bill (House bill No. 941) to be entitled "An act amendatory of and supplementary to 'an act to establish the Railroad, Real Estate, Building and Savings Association, of Texas,' approved May 25, 1871," which was read the first time, rules suspended, read the second time and referred to the Committee on State Affairs.

Mr. Jenkins introduced a joint resolution (House joint resolution No. 40) "In relation to the contingent expenses of the Twelfth Legislature," which was read the first time, rules suspended, read the second time and referred to the Committee on Printing and Contingent Expenses.

Mr. Jenkins also introduced a bill (House bill No. 942) to be entitled "An act to authorize the clerk of the District Court of Comanche county, to have the records of Bell county that belong to Comanche and the unorganized counties attached thereto, tran-

scribed in proper form," which was read the first time, rules suspended, read the second time and referred to the Committee on Public Lands and Land Office.

Mr. Jenkins also introduced a bill (House bill No. 943) to be entitled "An act for the permanent location of the county site of Comanche county," which was read the first time, rules suspended, read the second time and referred to the Committee on Counties and County Boundaries.

Mr. Medlock introduced a bill (House bill No. 944) to be entitled "An act to authorize W. N. Hall to erect a toll bridge over Red Oak creek in Ellis county," which was read the first time, rules suspended, read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. Medlock also introduced a bill (House bill No. 945) to be entitled "An act to authorize W. N. Hall to erect a toll bridge over Rush creek in Navarro county," which was read the first time, rules suspended, read the second time and referred to the Committee on Roads, Bridges and Ferries.

Mr. R. Williams introduced a bill (House bill No. 946) to be entitled "An act to relieve Henry Travis from his civil disabilities," which was read the first time; rules suspended, read the second time and referred to the Committee on Judiciary.

Mr. Zoeller introduced a bill (House bill No. 947) to be entitled "An act to amend section twenty-seven of 'an act to provide for the registration of voters,' approved July 11, 1870," which was read the first time; rules suspended, read the second time and referred to the Committee on Privileges and Elections.

Mr. Booty introduced a bill (House bill No. 948) to be entitled "An act amendatory of an act entitled 'an act to establish the Sabine Pass and Red River Railway Company,'" which was read the first time; rules suspended, read the second time and referred to the Committee on Internal Improvements.

Mr. Hawkins introduced a bill (House bill No. 949) to be entitled "An act to incorporate the Waxahatchie Tap Railroad Company," which was read the first time; rules suspended, read the second time.

On motion of Mr. Hawkins, the rule requiring all bills on their second reading to be referred to committees was suspended in this case.

On motion of Mr. Abbott, the rules were further suspended, and House bill No. 949 was read the third time, passed and its title agreed to.

Mr. Robb introduced a resolution (House joint-resolution No. 41) "Joint resolution concerning wild flowers of Texas," which was read

the first time; rules suspended, read second time and referred to the Committee on Education.

Mr. Franks introduced a bill (House bill No. 950) to be entitled "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, sheriffs and justices of the peace in felony cases," which was read the first time; rules suspended, read the second time.

On motion of Mr. Franks the rule requiring all bills on their second reading to be referred to committees, was suspended in this case.

On motion of Mr. Franks the rule requiring all bills making appropriations to be considered in a committee of the whole House was suspended in this case.

[Mr. Morris in the chair.]

On motion of Mr. Sinclair the further consideration of House bill No. 950 was postponed and made the special order for Wednesday next at 11 o'clock A. M.

On motion of Mr. Kyle the rules were suspended to take up House bills on their second reading.

BILLS ON SECOND READING.

House bill No. 928, to be entitled "An act to provide for the reimbursement of the citizens of Limestone and Freestone counties for taxes levied under the proclamation of the Governor placing said counties under martial law, dated October 9, 1871, and to compensate them for property seized by the military authorities in said counties, and making an appropriation therefor," was read the second time.

Mr. Robertson moved that House bill No. 928 be referred to the Committee on Finance, with instructions to report on Friday next at 11 o'clock A. M., upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, George, Harn, Haswell, Jenkins, Jones, Kyle, Lane, Leonard, Lorange, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Stirman, Van Noy, Weaver, Young, Youngkin, Zapp—45.

Nays—Messrs. Abbott of Austin, Burley, Cotton, Davis, Dorris, Franks, Grothaus, Johnson, Kendall, Locke, McKee of Guadalupe,

Medlock, Mitchell, Morris, Robinson, Shoemaker, Stockbridge, Williams of Colorado, Williams of Walker, York, Zoeller—21.

So the motion prevailed.

House bill No. 929, to be entitled "An act to incorporate the Memphis, Camden and Texas Railroad Company," was read the second time and referred to the Committee on Internal Improvements.

House bill No. 361, to be entitled "An act to authorize and require the Governor to appoint an agent of State salines, to take possession of the salt lake known as El Sal del Rey, and other salines mentioned, and to pass over the revenue arising therefrom to the State," was then read, and on motion of Mr. J. F. McKee was indefinitely postponed.

11 o'CLOCK A. M.

SPECIAL ORDER.

Viz: House bill No. 759, to be entitled "An act to regulate life insurance in the State of Texas."

On motion of Mr. Tegener section ten was stricken out.

Mr. Schutze moved to strike out section thirteen.

Mr. Plumley moved to lay the amendment on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Burley, Cotton, Dorris, Franks, George, Grothaus,, Hamilton, Harn, Haswell, Kendall, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robertson, Schutze, Tegener, Tinsley, Williams of Walker, Zapp, Zoeller—24.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Davis, Elam, Ellis, Gant, Gardiner, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, McKee of Guadalupe, McLean, Pierson, Polly, Putnam, Rainey, Robb, Robinson, Ross, Schlickum, Self, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stirman, Stockbridge, Van Noy, Weaver, York, Young, Youngkin—47.

So the House refused to lay the amendment on the table.

Mr. Plumley moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The question being on the motion of Mr. Schutze to strike out section thirteen, the House refused to strike it out.

The question recurring on ordering House bill No. 759 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Davis, Elam, Ellis, Franks, Gant, Gardiner, Gaston, Harn, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, McKee of Guadalupe, McLean, Moore of Harrison, Pierson, Polly, Putnam, Rainey, Robertson, Robinson, Ross, Self, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Van Noy, Weaver, York, Young—48.

Nays—Messrs. Richard Allen, Burley, Cotton, Dorris, George, Grothaus, Hamilton, Haswell, Kendall, Medlock, Miller, Mitchell, Morris, Morrison, Patten, Plumley, Schlickum, Schutze, Tegener, Tinsley, Williams of Walker, Zapp, Zoeller—23.

So House bill No. 759 was ordered to be engrossed and passed to its third reading.

[Speaker resumed the chair.]

A message was received from the Senate returning House bills Nos. 866, 637, 595 and 819, which the Senate had passed without amendment.

Also, House bill No. 177, passed with amendment.

And for the concurrence of the House, Senate bill No. 450.

And informing the House that the Senate had appointed as a committee on conference, to confer with a like committee from the House on Senate bill No. 405, Senators Parsons, Mills and Pickett.

And transmitting for the signature of the Speaker enrolled Senate bills Nos. 440, 441, 537, 536 and 472, which were signed and returned.

PETITIONS AND MEMORIALS.

Mr. Robertson presented the petition of Daniel Bradley, heir of John Bradley, for relief, which was read and referred to the Committee on Private Land Claims.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following reports :

COMMITTEE ROOM, {
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit : No. 568, to be entitled "An act to amend section three of 'an act to organize the courts of justices of the peace and county courts and to define their jurisdiction and duties,' approved August 13,

1870;" No. 690, to be entitled "An act to repeal an act entitled 'an act to provide for the appointment by the Governor of certain officers to fill vacancies,' approved June 28, 1870;" No. 921, to be entitled "An act supplemental to 'an act prescribing the mode of proceeding in the district courts in matters of probate,' approved August 15, 1870," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON,
H. C. ELLIS,
B. S. SHELBURNE.

COMMITTEE ROOM,
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 383, to be entitled "An act to empower the sheriffs of the several counties of this State to make conveyance to purchasers of lands sold for taxes under an act, approved November 10, 1866, entitled 'an act for the assessment and collection of taxes;'" No. 693, to be entitled "An act regulating the fees of the Clerk of the Supreme Court in certain cases;" No. 694, to be entitled "An act to authorize the Supreme Court to appoint a Librarian;" No. 887, to be entitled "An act to authorize the late State Treasurer to institute suit against the State of Texas;" and No. 926, to be entitled "An act for the relief of W. T. Patterson," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman.
B. S. SHELBURNE,
H. C. ELLIS.

Reports accepted and Chief Clerk dispatched to the Senate with House bills Nos. 383, 568, 690, 693, 694, 887 and 921, for its concurrence therein.

Mr. Booty moved a suspension of the rules to take up Senate messages, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Burlcy, Camp, Chambers, Cole, Cotton, Davis, Elam, Evans, Franks, Gant, George, Gaston, Groth-

aus, Hamilton, Haswell, Hawkins, Jenkins, Jones, Kendall, Kyle, Lacy, Lane, Leonard Locke, Lorange, McLean, Miller, Mitchell Morrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Zapp—62.

Nays—Messrs. Dorris, Gardiner, McKee of Guadalupe, Medlock, Morris, Moore of Harrison, Robinson, Shoemaker, Zoeller—9.

So the rules were suspended, two-thirds of the members present voting in the affirmative.

SENATE MESSAGES.

On motion of Mr. Evans the House agreed to the Senate amendment to House bill No. 171, to be entitled "An act to incorporate the Hebrew Benevolent Society of Brownsville and Matamoras, in Brownsville, Cameron county, Texas," viz: Strike out "Matamoras" wherever it occurs.

Mr. Booty moved that the House disagree to the Senate amendment to House bill No. 177, to be entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box,' approved August 15, 1870." Amendments, viz: In section one strike out the words "first Tuesday in August" and insert "third Tuesday in March," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Booty, Burley, Camp, Cotton, Davis, Dorris, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Haswell, Johnson, Kendall, Lacy, Leonard, Locke, Lorange, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Robertson, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—51.

Nays—Messrs. Austin, Chambers, Cole, Elam, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lane, Polly, Putnam, Rainey, Ross, Self, Simmons, Smyth, Stirman, Weaver, Young—21.

So the House disagreed to the Senate amendment.

Mr. Booty moved that House bill No. 177 be referred to a committee of conference, to consist of five from the House and three from the Senate. Carried.

Mr. Jo. Abbott moved to reconsider the vote just taken on the

motion of Mr. Booty to disagree to the Senate amendments to House bill No. 177.

Mr. Dupree moved to adjourn until 7:30 o'clock this P. M. Lost.

Mr. Plumley moved to lay the motion of Mr. Jo. Abbott to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Booty, Burley, Camp, Cotton, Davis, Dorris, Dupree, Evans, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Leonard, Locke, Lorance, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robertson, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. Abbott of Hill, Austin, Chambers, Cole, Elam, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, McLean, Pierson, Polly, Putnam, Rainey, Robb, Ross, Self, Shelburne, Simmons, Slaughter, Smyth, Weaver, Young—27.

So the motion to reconsider was laid on the table.

On motion of Mr. Slaughter, the House at 1:30 o'clock adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 21, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the Chair. Roll called. Quorum present.

Absent, not excused—Messrs. Posey and Prissick.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. B. F. Williams, the reading of yesterday's journal was dispensed with.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills, ask leave to report that they have carefully examined the following House bills to-wit: No. 788, to be entitled "An act amendatory of an act entitled 'an act to organize the courts of justices of the peace and county

courts and to define their jurisdiction and duties,' approved August 13, 1870;" No. 936, to be entitled "An act to regulate the practice in the Supreme Court;" and No 940, to be entitled "An act to authorize a special term of the district court, within and for the county of Houston, Third Judicial District, State of Texas;" also, joint resolution No. 35, "Joint resolution to repeal section forty-six of article twelve of the State Constitution and the adoption of a clause in lieu thereof," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,

J. F. McKEE.

W. G. ROBINSON.

Report accepted.

The Chair announced as the committee of conference on House bill No. 177, Messrs. Booty, Plumley, George, Stockbridge and Lane.

UNFINISHED BUSINESS,

Viz.: Senate messages.

On motion of Mr. Robinson, the House agreed to the following Senate amendments to House bill No. 767, to be entitled "An act for the relief of Colonel Thomas William Ward," viz.: Strike out "\$1200" and insert in lieu thereof "\$700."

The Chief Clerk was dispatched to the Senate to inform that body that the House had agreed to the Senate amendments to House bills Nos. 171 and 767, and transmitting for the concurrence of the Senate, House bills Nos. 788, 936 and 940.

Also, that the House had refused to agree to the Senate amendment to House bill No. 177, and had appointed as a committee of conference a committee of five composed of Messrs. Booty, Plumley, George, Stockbridge and Lane, to confer with a like committee of three from the Senate.

Mr. Slaughter moved a suspension of the rules to allow him to offer a resolution, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Booty, Cotton, Davis, Dorris, Dupree, George, Haswell, Johnson, Kendall, Kyle, Lacy, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Robb, Robinson, Schlickum, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stockbridge, Tegener, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—40.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Chambers, Cole, Eyans, Franks, Gant, Gardiner, Hamilton, Hawkins, Jenkins.

Jones, Lane, Leonard, Locke, Polly, Putnam, Rainey, Robertson, Self, Stirman, Weaver—22.

So the rules were not suspended, two-thirds of the members present not voting in the affirmative.

On motion of Mr. Morrison, the rules were suspended to allow Mr. George to offer the following resolution:

Resolved, That the Adjutant General of the State of Texas be requested to furnish this House with the amount of taxes collected in Limestone and Freestone counties during the existence of martial law, and that he cause the disbursing officer to render a report of all moneys received and disbursed by him, and report the same to this House on Friday, twenty-fourth of November, 1871.

Resolution read the first and second times, and on motion of Mr. Morrison, it was adopted.

REPORTS OF COMMITTEES.

Mr. C. L. Abbott, chairman of the Committee on State Affairs, submitted the following reports:

COMMITTEE ROOM,
Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 925, to be entitled "An act amendatory to an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the same,' approved February 5, 1858," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

C. L. ABBOTT, Chairman,
J. F. McKEE,
GASTON,
DUPREE,
JOHNSON,
TEGENER.

House bill No. 925 was then read.

On motion of Mr. Evans, the bill was amended as follows: Add at the end of line eighteen, of section one, the following: "and shall perform his services as such treasurer without compensation."

House bill No. 925 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Evans, the rules were suspended and House bill No. 925 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 910, to be entitled "An act to amend an act entitled 'an act to incorporate the Merchants' Mutual Insurance Company,'" having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

C. L. ABBOTT, Chairman,
DUPREE,
J. F. McKEE,
GASTON,
JOHNSON,
TEGENER.

House bill No 910 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. C. L. Abbott, the rules were suspended, and House bill No. 910 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 465, to be entitled "An act to amend an act entitled 'an act to incorporate the Island City Real Estate and Homestead Association of Galveston,'" having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

C. L. ABBOTT, Chairman,
J. F. McKEE,
DUPREE,
GASTON,
J. W. JOHNSON,
TEGENER.

Senate bill No. 465 was then read and passed to its third reading; read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred

Senate bill No. 544, to be entitled "An act to authorize David L. Cross to construct and keep a dam across the Colorado river, for milling and manufacturing purposes," having carefully considered the same, beg leave to report back and recommend its passage.

C. L. ABBOTT, Chairman,
J. F. McKEE,
DUPREE,
GASTON,
JOHNSON,
TEGENER.

Senate bill No. 544 was then read and ordered to its third reading, read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 886; to be entitled "An act to incorporate the Capitol City Club, of Austin, Texas," having carefully considered the same, beg leave to report back and recommend its passage with the following amendment: In section four strike out all after the words "as stated in section one."

Respectfully,

C. L. ABBOTT, Chairman,
J. F. McKEE,
GASTON,
DUPREE,
JOHNSON,
TEGENER.

On motion of Mr. Grothaus, the amendment recommended by the committee was adopted.

House bill No. 886 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson, the rules were suspended, and House bill No. 886 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 789, to be entitled "An act to repeal the charter of the Planters' Mutual Insurance Company," having carefully con-

sidered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

A. M. COX, Chairman *pro tem*.

M. A. GASTON,

FRITZ TEGENER,

J. F. McKEE,

DUPREE.

On motion of Mr. C. L. Abbott, the report of the committee was adopted, and House bill No. 789 laid on the table.

Mr. Johnson, chairman of the Committee on Finance, submitted the following reports:

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 518, to be entitled "An act to authorize the County Court of Marion County to issue coupon interest-bearing bonds for the building of a court house and jail, and to levy a tax to pay for the same," having carefully considered the same, beg leave to report it back and recommend that it do pass,

J. W. JOHNSON, Chairman.

Senate bill No. 518 was then read and passed to its third reading, read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 446, to be entitled "An act to authorize the County Court of Galveston county to issue interest-bearing bonds for the purpose of funding the present outstanding indebtedness of said county," having carefully considered the same, beg leave to report and recommend its passage.

Respectfully,

AD. ZOELLER, Chairman *pro tem*.

Senate bill No. 446 was then read and passed to its third reading; read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred

Senate bill No. 443, to be entitled "An act explanatory of the tax laws of the State of Texas, and to avoid double taxation," having carefully considered the same, beg leave to report and recommend its passage.

Respectfully,

AD. ZOELLER, Chairman *pro tem*.

Senate bill No. 443, was then read and passed to its third reading, read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 414, to be entitled "An act supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,' " having carefully considered the same, beg leave to report and recommend that it be laid on the table.

Respectfully,

AD. ZOELLER, Chairman *pro tem*.

On motion of Mr. Franks, the report of the committee was adopted, and Senate bill No. 414 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred Senate joint resolution No. 11, "Allowing the sum of \$354 17 to Dr. S. W. Baker, late Superintendent of the Blind Asylum, for the use of a horse and buggy," having carefully considered the same, beg leave to report and recommend that it be laid on the table.

Respectfully,

AD. ZOELLER, Chairman *pro tem*.

On motion of Mr. Grothaus, the report of the committee was adopted, and Senate joint resolution No. 11 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 918, to be entitled "An act amendatory of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," having carefully considered the same, beg leave to report it back, and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Franks, the further consideration of House bill No. 918 was postponed until to-morrow at 11 o'clock A. M.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred petition of Wm. Coatney, asking special hawking privileges, having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson, the report of the committee was adopted and the petition laid on the table.

COMMITTEE ROOM,
Austin, May 8, 1871. }

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 648, to be entitled "An act making an appropriation for certain purposes," having had the same under consideration, respectfully report it back, recommending its passage.

SINCLAIR, Chairman,
AD. ZOELLER,
J. W. LANE,
GEORGE,
CAMP.

House bill No. 648 was then read.

On motion of Mr. Grothaus, the rule requiring all bills making appropriations to be considered in a committee of the whole House was suspended in this case, and House bill No. 648 ordered to be engrossed and passed to its third reading.

Mr. Morrison moved a suspension of the rules to put House bill No. 648 on its third reading and final passage. Lost.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred Petition of R. D. Johnson, having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Evans, the report of the committee was adopted, and the petition laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred a "Petition from the citizens of Wilson county," having carefully considered the same, beg leave to report and recommend the passage of the accompanying bill, to be entitled "An act to establish uniform rates of toll to be charged and collected by proprietors of grist and flour mills in the State of Texas."

Respectfully,

AD. ZOELLER, Chairman *pro tem*.

The bill reported by the committee, House bill No. 951, to be entitled "An act to establish uniform rates of tolls to be charged and collected by proprietors of grist and flour mills in the State of Texas," was read the first time.

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 508, to be entitled "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," having carefully considered the same, beg leave to report and recommend the passage of the bill with the following amendment, to-wit: In line nineteen, after words "State tax" insert "*provided, however,* that counties may allow a commission not to exceed that allowed on the direct *ad valorem* State tax;" and respectfully recommend that House bill No. 837, embodying the same object, be withdrawn.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson, the amendment recommended by committee was adopted.

Senate bill No. 508 was then read and passed to its third reading, read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 837, to be entitled "An act to amend section thirty, of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," having carefully con-

sidered the same, beg leave to report and recommend that it do pass.

AD. ZOELLER, Chairman *pro tem*.

On motion of Mr. Johnson, House bill No. 837 was laid on the table.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 897, to be entitled "An act to release to the county of Houston the State tax for the year 1871 for the completion of a court house and jail in said county," having carefully considered the same, beg leave to report and recommend that the bill do pass with the following amendment added at the conclusion of section one, to-wit: "*Provided*, however, that the said release shall not include the one-fourth of said tax due the school fund."

J. W. JOHNSON, Chairman,
C. L. ABBOTT, dissenting.

On motion of Mr. Johnson, the amendment recommended by the committee was adopted.

House bill No. 897 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Grothaus, the rules were suspended, and House bill No. 897 read the third time, passed, and its title agreed to.

11 o'clock, A. M.

ORDER OF THE DAY,

Viz.: The report of the Committee on Finance, as required by the following resolution passed on Friday last:

Resolved, That the Committee on Finance be and are hereby instructed to report to this House on Monday next at 11 A. M., an amendment to the existing tax law, providing for a reduction of the present taxes at the expiration of this fiscal year; and also, providing for an extension of time for the payment of taxes now due, under circumstances that may demand such extension on the part of the tax payers.

On motion of Mr. Evans, the order of the House was discharged.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House

bill No. 768, to be entitled "An act to legalize the action of the County Court of Cameron county, in issuing fifteen thousand dollars of bonds of said county, bearing an annual interest of eight per cent., to cancel indebtedness of said county," having carefully considered the same, beg leave to report it back and recommend that it do pass.

Respectfully,

J. W. JOHNSON, Chairman.

House bill No. 768 was then read, ordered to be engrossed and passed to its third reading.

On motion of Mr. Evans the rules were suspended and House bill No. 768 read the third time, passed and its title agreed to.

COMMITTEE ROOM,

Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 793, to be entitled "An act to allow H. T. Eppler to peddle in goods, wares and merchandise without paying the State, and county occupation tax," having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson, the report of the committee was adopted, and House bill No. 793 laid on the table.

COMMITTEE ROOM,

Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR; Your Committee on Finance, to whom was referred House bill No. 796, to be entitled "An act to amend section three of 'an act to authorize the Governor to prepare and issue bonds to an amount sufficient to meet any deficiency in the receipts of revenue for the years 1871 and 1872, and also providing for the payment of said bonds and interest thereon,' approved May 19, 1871," having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

J. W. JOHNSON, Chairman.

Dissenting:

C. L. ABBOTT;

AD. ZOELLER.

On motion of Mr. Johnson, the report of the committee was adopted and House bill No. 796 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Finance, to whom was referred House bill No. 818, to be entitled "An act to relieve Orange McCarty from paying State and county tax on the sale of groceries in the county of Angelina, State of Texas," having carefully considered the same, beg leave to report and recommend that it do pass.

Respectfully,

AD. ZOELLER, Chairman *pro tem.*,
J. D. GEORGE, dissenting.

House bill No. 818 was then read.

On motion of Mr. Evans, section one was amended by adding, "provided, that nothing in this act contained shall authorize the said McCarty to sell liquors of any kind, or tobacco, without paying the regular tax or taxes therefor as provided by law," thereto.

House bill No. 818 was then ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Finance, to whom was referred House bill No. 825, to be entitled "An act making appropriations to meet deficiencies for the fiscal year ending thirty-first August, 1871, and the fiscal year ending thirty-first August, 1872," having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Grothaus, the report was adopted and House bill No. 825 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Finance, to whom was referred House bill No. 826, to be entitled "An act to relieve Luther White of Cherokee county from occupation tax," having carefully considered the same beg leave to report it back and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Grothaus, the report of the committee was adopted and House bill No. 826 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Finance, to whom was referred "petition of John D. Clare, asking exemption from taxation," having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Grothaus, the report of the committee was adopted, and the petition laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Finance, to whom was referred House bill No. 829, to be entitled "An act to release M. S. Cooley from paying State, county or city incorporation tax on the sale of goods, wares and merchandise in the State of Texas," having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Grothaus, the report of the committee was adopted and House bill No. 829 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Finance, to whom was referred House bill No. 832, to be entitled "An act to establish the compensation of members of the Legislature," having carefully considered the same, beg leave to report and recommend the passage of the bill.

Respectfully,

AD. ZOELLER, Chairman *pro tem*.

House bill No. 832 was then read.

Mr. R. Allen moved to amend by striking out "six," and inserting in lieu thereof "eight."

On motion of Mr. Morrison, House bill No. 832 was laid on the table.

COMMITTEE ROOM,
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 841, to be entitled "An act to regulate in part the receipt and disbursement of public money," having carefully considered the same, beg leave to report and recommend that, as a bill has already passed the House of Representatives embodying the same provisions, this bill be laid on the table.

AD. ZOELLER, Chairman *pro tem*.

On motion of Mr. Grothaus, the report of the committee was adopted, and House bill No. 841 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 853, to be entitled "An act for the relief of persons who have lost certain property after assessment, from paying taxes thereon," having carefully considered the same, beg leave to report and recommend its passage with the following amendment, to-wit: Wherever the word "horses" appears in the bill, insert thereafter the words "and cattle."

Respectfully,

AD. ZOELLER, Chairman, *pro tem*.

On motion of Mr. Grothaus, the amendment recommended by the committee was adopted, and House bill No. 853 ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus, the rules were suspended and House bill No. 853 read the third time, passed, two-thirds of the members present voting in the affirmative, and its title was agreed to.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 856, to be entitled "An act to incorporate the Galveston Savings Bank and Trust Company," having carefully considered the same, beg leave to report it back and recommend that the bill do pass after being amended by adding the names of Thos. Goggin and Martin Davy as incorporators.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson, the amendment recommended by the committee was adopted, and House bill No. 856 ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson, the rules were suspended, and House bill No. 856 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 873, to be entitled "An act to relieve Fred. Miltner from paying State, county and municipal occupation taxes on the sale of goods, wares and merchandise in the State of Texas," having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Grothaus, the further consideration of House bill No. 873 was postponed and made the special order for to-morrow at 11:30 o'clock A. M.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 879, to be entitled "An act to amend 'an act to provide for the salaries and fees of district attorneys,' approved August 11, 1870," having considered the same, beg leave to report it back and recommend that it be referred to the Judiciary Committee.

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson, the report was adopted, and House bill No. 879 referred to the Committee on Judiciary:

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance to whom was referred petition of R. D. Booth, late district clerk of Hill county, having carefully considered the same, beg leave to report it back and recommend that it be referred to the Auditorial Board.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson, the report was adopted, and the petition referred to the Auditorial Board.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill 917, to be entitled "An act amendatory of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," having carefully considered the same, beg leave to report it back and recommend that it be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson, the report was adopted and House bill No. 917 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred the "petition of Peter Rouche, asking to be placed upon the pension list," having carefully considered the same, beg leave to report and offer the accompanying bill and recommend its passage.

J. W. JOHNSON, Chairman.

The bill reported by the committee, House bill No. 952, to be entitled "An act to place Peter Rouche upon the pension list," was read the first time.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred House bill No. 705, to be entitled "An act to repeal the fifth section of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' " having carefully considered the same, beg leave to offer the accompanying bill as a substitute, and recommend its passage.

Respectfully,

J. W. JOHNSON, Chairman.

House bill No. 705 was then read.

The substitute recommended by the committee was read and adopted in lieu of the original bill, and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Johnson, the rules were suspended, and House bill No. 705 read the third time, passed, and its title agreed to.

On motion of Mr. Evans, the House agreed to reconsider the vote just taken, by which House bill No. 705 was passed.

On motion of Mr. Evans, the further consideration of House bill No. 705 was indefinitely postponed.

COMMITTEE ROOM, }
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives

SIR: Your Committee on Finance, in obedience to resolution requiring it to introduce a bill for the reduction of taxes, having carefully considered the subject, beg leave to report and state, that House bills Nos. 931, 932, 933 and 934 all have for their object the reduction of taxes, besides other bills already reported on by your committee. Your committee is of the opinion that the general tax law cannot be modified just now with propriety.

Respectfully,

J. W. JOHNSON, Chairman,
A. J. BOOTY,
AD. ZOELLER,
C. L. ABBOTT,
J. D. GEORGE,
A. B. GANT.

Report accepted.

COMMITTEE ROOM, }
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 930, to be entitled "An act for the relief of sheriffs," having carefully examined the same, beg leave to report it back and recommend its passage.

Respectfully,

J. W. JOHNSON, Chairman.

House bill No. 930 was then read.

On motion of Mr. Franks the rule requiring all bills making appropriations to be considered in a committee of the whole House was suspended in this case and House bill No. 930 ordered to be engrossed and passed to a third reading.

On motion of Mr. Franks the rules were suspended, House bill No. 930 read the third time and passed by the following vote:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Camp, Cole, Cotton, Davis, Elam, Evans, Franks, Gant, Gardiner, George, Grothaus, Hamilton, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane,

Leonard, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schliekum, Schütze, Self, Shelburne, Sheriff, Shoemaker, Slaughter, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—65.

Nays—Messrs. Dorris, Ellis, McLean—3.

The title of the bill was agreed to.

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 931, to be entitled "An act amendatory of section five of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," having carefully considered the same and having favorably recommended the passage of a bill amending the same section at a former meeting, therefore respectfully recommend that this bill be laid on the table.

Respectfully,

J. W. JOHNSON, Chairman.

On motion of Mr. Johnson, the report was adopted and House bill No. 931 laid on the table.

On motion of Mr. Evans, the House reconsidered the vote by which House bill No. 931 was laid on the table.

On reconsideration, the House refused to lay House bill No. 931 on the table.

House bill No. 931 was then read.

On motion of Mr. Evans, section one was amended by striking out all after the words "as the Legislature may prescribe."

House bill No. 931 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus, the rules were suspended, House bill No. 931 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 932, to be entitled "An act to amend section one and to repeal section six of 'an act to authorize county courts to levy a road tax, and to improve roads and bridges,' passed August 4,

1870," having carefully considered the same, beg leave to report it back and recommend its passage.

Respectfully,

J. W. JOHNSON, Chairman.

House bill No. 932 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Johnson, the rules were suspended, House bill No. 932 read the third time, passed and its title agreed to.

The following special message was received from his Excellency, E. J. Davis, Governor, by the hands of his Private Secretary :

MESSAGE FROM THE GOVERNOR.

GOVERNOR'S OFFICE, }
Austin, Nov. 18, 1871. }

To the Honorable Senate and House of Representatives of the State of Texas:

GENTLEMEN: I have the honor to inform you that the following named bills and resolutions have been received by me and approved, to-wit:

House bill No. 78, "An act making an appropriation for repairing and improving the State Cemetery," approved September 22, 1871.

House bill No. 548, "An act to prohibit the sale of intoxicating liquors in the vicinity of Seyene Masonic Male and Female Institute," approved September 22, 1871.

House bill No. 437, "An act to incorporate the town of Sulphur Springs, in Hopkins county," approved September 22, 1871.

House bill No. 689, "An act amendatory of 'an act prescribing the times of holding the district courts in the Seventh Judicial District of the State,' approved March 4, 1871," approved September 22, 1871.

House bill No. 717, "An act to incorporate the Union Club of the city of San Antonio," approved September 28, 1871.

House bill No. 580, "An act for the relief of R. E. Borden, district attorney for the third judicial district," approved September 28, 1871.

Senate bill No. 222, "An act making an appropriation for the mileage and *per diem* pay of the members, and the *per diem* pay of the officers and employees of the Twelfth Legislature of the State of Texas," approved September 28, 1871.

House bill No. 174, "An act to incorporate the Houston Schutzen Verein," approved September 28, 1871.

House bill No. 709, "An act to amend an act entitled 'an act

to incorporate the Bank of Cleburne,' approved May 25, 1871," approved September 30, 1871.

House bill No. 699, "An act to amend the third section of an act entitled 'An act to amend 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870; approved March 4, 1871," approved October 4, 1871.

House bill No. 371, "An act to incorporate the Navasota Hebrew Benevolent Society," approved October 4, 1871.

House bill No. 695, "An act to amend an act entitled 'an act to incorporate the city of Brenham and to grant a new charter to said city and to repeal all acts heretofore passed, incorporating said city, which may be in force by virtue of any existing charter,' approved May 6, 1871," approved October 4, 1871.

House bill No. 778, "An act prescribing the times of holding the district courts in the twenty-sixth judicial district," approved October 13, 1871.

House bill No. 763, "An act to prohibit the sale of intoxicating liquors to persons within the scholastic age, in the State of Texas," approved October 13, 1871.

House bill No. 710, "An act to incorporate the Corpus Christi and Rio Grande Railroad Company," approved October 13, 1871.

House bill No. 225, "An act to prohibit the sale of intoxicating liquors within certain limits of the High School at Edom, in Vanzandt county, Texas," approved October 13, 1871.

House bill No. 566, "An act supplementary to an act entitled 'an act to incorporate the Western Narrow Gauge Railway Company, passed August 4, 1870,' approved October 12, 1871."

House bill No. 405, "An act to amend an act prescribing the times of holding the district courts in the several judicial districts in the State," approved October 13, 1871.

House bill No. 733, "An act to incorporate the Edom Academy, in Cook county, Texas," approved October 13, 1871.

House bill No. 723, "An act to amend an act entitled 'an act to prohibit the sale of spirituous, vinous or other intoxicating liquors within five miles of the public square in the town of Alvarado, Johnson county, Texas,' approved November 10, 1866," approved October 13, 1871.

House bill No. 751, "An act to amend an act approved May 2, 1871, entitled 'an act to amend an act entitled an act to incorporate the Galveston City Railroad Company,' approved October 8, 1866," approved October 13, 1871.

House bill No. 777, "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," approved October 13, 1871.

House bill No. 282, "An act to authorize Robert Holmes and others to construct a boom across the Brazos river," approved October 13, 1871.

Senate joint resolution No. 43, "Joint resolution authorizing the appointment of commissioners to run, mark out, and fully define the county lines of San Jacinto county," approved October 13, 1871.

House bill No. 164, "An act to incorporate the town of Pittsburg, in Upshur county," approved October 13, 1871.

House bill No. 716, "An act to amend an act entitled 'an act to incorporate the San Antonio, Victoria, Indianola and New Orleans Express and Transportation Company,' approved May 19, 1871," approved October 13, 1871.

House bill No. 735, "An act supplemental to and amendatory of an act entitled 'an act to incorporate the city of San Antonio, and grant a new charter to said city,' and to repeal an act entitled 'an act to incorporate the city of San Antonio,' approved July 17, 1856, and an act entitled 'an act to amend an act to incorporate the city of San Antonio,' approved February 11, 1860, approved August 13, 1870," approved October 13, 1871.

House bill No. 531, "An act for the relief of George Cox," approved October 18, 1871.

House bill No. 196, "An act to incorporate the officers and members of the Fort Worth Masonic Institute No. 148, A. F. and A. Masons, at Fort Worth, Tarrant county, Texas," approved October 18, 1871.

Senate bill No. 486, "An act making an appropriation to defray the contingent and printing expenses of the Twelfth Legislature," approved October 18, 1871.

House bill No. 393, "An act to amend section two of an act entitled 'an act defining lawful enclosures, and for other purposes,' approved March 16, 1840," approved October 18, 1871.

House bill No. 638, "An act to incorporate the Texas Stock-raising Company," approved October 18, 1871.

House bill No. 29, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, A. D. 1856," approved October 18, 1871.

House bill No. 173, "An act to incorporate the Indianola Colored Benevolent Society," approved October 18, 1871.

Senate bill No. 148, "An act regulating the removal of the disabilities of minors," approved October 24, 1871.

Senate bill No. 369, "An act to facilitate the correcting of surveys and the issuance of patents to locations of land," approved October 24, 1871.

Senate bill No. 467, "An act to affirm the titles to certain lands in Peters's colony," approved October 24, 1871.

Senate bill No. 468, "An act authorizing the County Court of Marion county to have certain records from other counties transcribed and recorded in said county," approved October 24, 1871.

Senate bill No. 498, "An act amending 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," approved October 24, 1871.

House bill No. 549, "An act to incorporate Scyene Male and Female Institute," approved October 24, 1871.

House bill No. 696, "An act to regulate the time of holding courts in the Eleventh Judicial District," approved October 24, 1871.

House bill No. 746, "An act to incorporate the Texas Land and Immigration Company," approved October 24, 1871.

House bill No. 28, "An act to amend an act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 26, 1856," approved October 26, 1871.

House bill No. 63, "An act to incorporate the Mutual Aid Society of the city of Houston," approved October 28, 1871.

House bill No. 298, "An act to incorporate the Germania Club of Brenham," approved October 28, 1871.

House bill No. 320, "An act to enforce section twenty-one, article one of the Constitution," approved October 28, 1871.

House bill No. 750, "An act to incorporate the town of Lockhart, in Caldwell county," approved October 28, 1871.

House bill No. 724, "An act authorizing and requiring the Surveyor of Dallas county to transcribe certain records of his office, and to make a general index," approved November 1, 1871.

Senate bill No. 178, "An act to repeal an act approved August 10, 1871, entitled 'an act to amend an act to incorporate Herman's University, approved January 27, 1844, as amended by an act passed April 11, 1846,'" approved November 1, 1871.

Senate bill No. 504, "An act to provide for appeals from interlocutory judgments in the district courts of the State," approved November 1, 1871.

Senate bill No. 525, "An act supplemental to an act entitled 'an act to amend an act entitled an act to incorporate the Bank of Cleburne,' approved September 30, 1871," approved November 4, 1871.

Senate bill No. 374, "An act to amend the Penal Code for the State of Texas," approved November 6, 1871.

Senate bill No. 475, "An act to amend the third section of 'an act to incorporate the Carthage Branch Railway Company,' approved May 22, 1871," approved November 6, 1871.

Senate bill No. 492, "An act to amend 'an act prescribing the mode of proceeding in the district courts in matters of probate,' approved August 15, 1870," approved November 6, 1871.

House bill No. 10, "An act to provide for transcribing the surveyors' records," approved November 6, 1871.

House bill No. 79, "An act to provide for transcribing the land records of San Saba county," approved November 6, 1871.

House bill No. 407, "An act to enable the Comptroller of Public Accounts to settle with defaulting revenue officers," approved November 6, 1871.

House bill No. 713, "An act to incorporate the Buffalo Warehouse and Compress Company," approved November 6, 1871.

House bill No. 775, "An act to confirm and make valid the acts of the District Court of Collin county, begun and held at the town of McKinney, on the first Monday in July, 1871," approved November 6, 1871.

Senate bill No. 339, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature," approved November 10, 1871.

Senate bill No. 454, "An act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company," approved November 11, 1871.

House bill No. 9, "An act to incorporate the McKinney Academy Association," approved November 13, 1871.

House bill No. 57, "An act to incorporate the Philosophronian Society of Trinity University," approved November 13, 1871.

House bill No. 121, "An act to amend an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858," approved November 13, 1871.

House bill No. 776, "An act supplementary to 'an act to provide for the payment of the public debt of the State of Texas,' approved May 2, 1871," approved November 13, 1871.

House bill No. 90, "An act to incorporate the Lake City Cotton and Wool Manufacturing Company," approved November 16, 1871.

House bill No. 213, "An act to incorporate the Benevolent Association of Austin," approved November 16, 1871.

Respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House

bill No. 933, to be entitled "An act to repeal sections one, two and three of 'an act to provide for the payment of the outstanding indebtedness of the several counties,' passed July 21, 1870," having carefully considered the same, beg leave to report it back and recommend its passage.

J. W. JOHNSON, Chairman.

House bill No. 933 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Booty, the rules were suspended and House bill No. 933 read the third time, passed and its title agreed to.

On motion of Mr. Booty, it was ordered that the committee of conference, on the part of the House, on House bill No. 177 be increased to seven members.

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred House bill No. 934, to be entitled "An act to repeal 'an act authorizing the police courts of counties to levy and collect a special tax for the repair and completion of public buildings,' passed August 5, 1870," having carefully considered the same, beg leave to report it back and recommend its passage.

J. W. JOHNSON, Chairman.

House bill No. 934 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson the rules were suspended, House bill No. 934 read the third time, passed and its title agreed to.

Mr. Grothaus, chairman of the Committee on Commerce and Manufactures, submitted the following reports:

COMMITTEE ROOM,
Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 53, to be entitled "An act to incorporate the Brazos and Wichita Copper Mining and Manufacturing Company, having carefully considered the same, beg leave to report back and recommend its passage.

F. E. GROTHAUS, Chairman,
R. ALLEN,
H. MOORE,
FRANKS,
G. W. PATTEN.

House bill No. 53 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus, the rules were suspended, and House bill No. 53 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 787, to be entitled "An act to incorporate the Arrow Fast Freight and Transportation Company," having carefully considered the same, beg leave to report back and recommend its passage.

F. E. GROTHAUS, Chairman,
R. ALLEN,
HENRY MOORE,
G. W. PATTEN,
FRANKS.

House bill No. 787 was then read.

[Mr. Schutze in the chair.]

Mr. Elam moved to amend by inserting the names of Ed. Creary, Fred. Webber, J. K. Spieres and James Craven, as incorporators.

Mr. Evans moved that the further consideration of House bill No. 787 be postponed and made the special order for to-morrow at 10:30 o'clock A. M.

Mr. Spencer moved to lay House bill No. 787 on the table.

Mr. Johnson moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Lane moved that the House adjourn until 7:30 o'clock this P. M., upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Austin, Cole, Cotton, Davis, Dorris, Evans, Gant, Gardiner, George, Gaston, Grothaus, Hamilton, Johnson, Kendall, Lacy, Lane, Leonard, Locke, McKee of Guadalupe, McLean, Medlock, Morris, Moore of Harrison, Pierson, Rainey, Robertson, Robinson, Schutze, Self, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Abbott of Hill, Richard Allen, Booty, Camp, Chambers, Elam, Franks, Haswell, Hawkins, Jenkins, Jones, Kyle, Miller, Mitchell, Morrison, Polly, Putnam, Robb, Shelburne, Simmons, Smyth, Williams of Colorado, York—23.

So the House at 1 o'clock P. M. adjourned until 7:30 o'clock this P. M.

EVENING SESSION.

7:30 o'Clock, P. M.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

UNFINISHED BUSINESS.

Viz: The motion of Mr. Spencer to lay on the table House bill No. 787, which by leave was withdrawn.

By leave of the House, Mr. Elam withdrew the amendment offered by him to House bill No. 787.

The question recurring on the motion of Mr. Evans to postpone, it was lost.

Mr. Hawkins moved to amend section one by inserting the names of "Black Davis" and "E. J. Davis" as incorporators.

Mr. Slaughter moved to amend the amendment by striking out "Black." Lost.

Mr. Grothaus moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Ellis moved to amend the amendment offered by Mr. Hawkins by inserting, as one of the incorporators, the name of "Jeff Davis." Lost.

Mr. Slaughter moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" The main question was ordered.

The question being on the adoption of the amendment offered by Mr. Hawkins, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Hawkins, Kyle, Lacy, Robb, Robertson, Ross—6.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Baaty, Burley, Chambers, Cole, Cotton, Davis, Dorris, Dupree, Elam, Ellis, Evans, Gant, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Jenkins, Jones, Johnson, Kendall, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Polly, Putnam, Rainey, Robinson, Schlickum, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Tegener, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—62.

So the House refused to adopt the amendment.

The question then recurred on ordering House bill No. 787 to be engrossed and passed to its third reading, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Booty, Burley, Cole, Cotton, Davis, Dupree, Elam, Ellis, Evans, Gant, Gardiner, George, Grothaus, Hamilton, Harn, Jenkins, Jones, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Morris, Morrison, Moore of Harrison, Polly, Putnam, Robinson, Ross, Schutze, Sheriff, Shoemaker, Slaughter, Stirman, Stockbridge, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. Austin, Chambers, Dorris, Gaston, Hawkins, Kyle, McKee of Guadalupe, Mitchell, Patten, Pierson, Rainey, Robb, Robertson, Schlickum, Simmons, Smyth, Spencer, Tegener—18.

So House bill No. 787 was ordered to be engrossed and passed to its third reading.

Mr. Slaughter moved a suspension of the rules to put House bill No. 787 on its third reading and final passage, upon which motion the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Booty, Burley, Cole, Cotton, Davis, Dorris, Dupree, Elam, Evans, Gant, Gardiner, George, Grothaus, Hamilton, Jenkins, Jones, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lyons, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Polly, Putnam, Robinson, Ross, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Stirman, Stockbridge, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—55.

Nays—Messrs. Chambers, Ellis, Gaston, Harn, Hawkins, Kyle, McKee of Guadalupe, Pierson, Rainey, Robb, Robertson, Simmons, Smyth, Spencer, Tegener, Van Noy—15.

So the rules were suspended, two-thirds of the members present voting in the affirmative, and House bill No. 787 was read the third time.

On motion of Mr. Robertson, the further consideration of House bill No. 787 was postponed and made the special order for to-morrow at 10:15 o'clock A. M.

Mr. Burley moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

By unanimous consent, Mr. Hawkins, chairman of the special committee on House bill No. 591, reported back said bill.

On motion of Mr. Plumley, the further consideration of House bill No. 591 was indefinitely postponed.

Mr. Grothaus moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Cotton, Davis, Evans, Gant, George, Gaston, Grothaus, Hamilton, Harn, Hawkins, Jenkins, Johnson, Lane, Lyons, Medlock, Morris, Morrison, Polly, Putnam, Rainey, Robb, Ross, Schlickum, Schntze, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Van Noy, Weaver, Williams of Colorado, Zoeller—38.

Nays—Messrs. Richard Allen, Austin, Booty, Burley, Chambers, Cole, Dorris, Dupree, Elam, Ellis, Jones, Kendall, Kyle, Leonard, Locke, McKee of Guadalupe, Mitchell, Patten, Pierson, Plumley, Robertson, Robinson, Tegener, Williams of Walker, York, Young, Youngkin, Zapp—28.

So the House at 9 o'clock P. M. adjourned.

HOUSE OF REPRESENTATIVES,

AUSTIN, TEXAS, November 22, 1871.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Posey and Prissick.

On motion of Mr. Grothaus, the reading of yesterday's journal was dispensed with.

Mr. Robinson moved a suspension of the rules to allow him to offer a resolution, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Cotton, Dupree, Gardiner, George, Gaston, Grothaus, Hamilton, Haswell, Jenkins, Johnson, Kendall, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Shoemaker, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—84.

Nays—Mr. Speaker, Booty, Camp, Chambers, Cole, Davis, Dorris, Gant, Hawkins, Jones, Kyle, Lacy, Lane, Leonard, Locke, McLean, Polly, Putnam, Rainey, Robertson, Ross, Sheriff, Simmons, Smyth, Van Noy, York—26.

So the rules were not suspended, two-thirds of the members not voting in the affirmative.

The Chair announced as the two additional members appointed to

the committee of conference on House bill No. 177, under authority conferred yesterday, Messrs. McLean and B. F. Williams.

Mr. Haswell, chairman of the committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 22, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined and find correctly enrolled the following House bills, to-wit: No. 749, "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association, of Bryan, Texas;" No. 866, "An act to encourage the manufacture of cotton and wool in this State;" No. 769, "An act to establish a ferry across the Neches river, at the Bodenhamer crossing, county of Houston;" No. 819, "An act to amend 'an act prescribing the times of holding the courts in the several judicial districts in the State,' approved August 18, 1870;" No. 118, "An act to incorporate the Excelsior Real Estate and Building Association;" No. 171, "An act to incorporate the Hebrew Benevolent Society, of Brownsville and Matamoras, in Brownsville, Cameron county, Texas;" No. 637, "An act for the relief of the heirs of George W. Wall, deceased;" No. 595, "An act to incorporate the Houston Tannery and Leather Manufacturing Company;" No. 767, "An act for the relief of Colonel Thomas William Ward."

Respectfully,

GEO. T. HASWELL, Chairman,
GROTHAUS,
SHOEMAKER,
ROSS.

Report accepted.

On motion of Mr. Stockbridge the chairman of the Committee on Engrossed Bills was authorized to employ an assistant engrossing clerk.

Mr. Booty moved a suspension of the rules to take up out of its regular order House joint resolution No. 35, "Joint resolution to repeal section forty-six of article twelve of the State Constitution, and the adoption of a clause in lieu thereof." Rules suspended and House joint resolution No. 35 read third time.

10:15 o'clock A. M.

SPECIAL ORDER,

Viz.: Consideration of House bill No. 787, to be entitled "An

act to incorporate the Arrow Fast Freight and Transportation Company."

Mr. Booty moved that the special order be postponed until the joint resolution now under consideration be disposed of, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Davis, Dorris, Ellis, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, McLean, Morrison, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Ross, Schlickum, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Tinsley, Van Noy, Weaver, York, Young, Youngkin—51.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Dupree, Hamilton, Kendall, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patten, Robinson, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, Zapp, Zoeller—19.

So the special order was postponed.

Mr. Richard Allen moved to lay House joint resolution No. 35 on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Dupree, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Slaughter, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—22.

Nays—Messrs. Abbott of Hill, Austin, Booty, Camp, Chambers, Cole, Davis, Dorris, Ellis, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Self, Shelburne, Sheriff, Shoemaker, Simmons, Smyth, Stirman, Tinsley, Van Noy, Weaver, York, Young—50.

So the House refused to lay the joint resolution on the table.

House joint resolution No. 35 then passed by the following vote:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Davis, Dorris, Elam, Ellis, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Harn, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Tinsley, Van Noy, Weaver, York, Young—48.

Nays—Messrs. Abbott of Austin, Richard Allen, Cotton, Dupree, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitch-

ell, Morris, Morrison, Moore of Harrison, Robinson, Shoemaker, Tegener, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—21.

On motion of Mr. Booty, the title was amended by striking out the words "the adoption of a clause," and inserting as follows: "to adopt a section."

SPECIAL ORDER—Resumed.

House bill No. 787 was then read.

On motion of Mr. Robertson, section two was amended as follows: Strike out "whether such debt is for freight and transportation charges on the specific property itself, or grew out of any previous business with or shipment for owner thereof."

House bill No. 787 was then ordered to be engrossed, and passed to its third reading.

Rules suspended, House bill No. 787 read the third time, passed and its title agreed to.

The Chief Clerk was dispatched to the Senate with the following bills: Senate bills Nos. 443, 446, 465, 518 and 544 which had been passed by the House without amendment.

Senate bill No. 508, which the House had passed with amendment.

And informing the Senate that Messrs. McLean and B. F. Williams were added to the conference committee on House bill No. 177.

And transmitting Enrolled House bills Nos. 171, 118, 595, 637, 749, 767, 769, 819 and 866 for the signature of the President of Senate, which were signed and returned.

On motion of Mr. Franks, it was ordered that a select committee of five be appointed to take into consideration the reduction of the fees of district attorneys.

The Chair appointed as such committee, Messrs. Franks, Pierson, Grothaus, Robertson and Putnam.

REPORTS OF COMMITTEES.

Mr. Grothaus, chairman of the Committee on Commerce and Manufactures, submitted the following reports:

COMMITTEE ROOM,
Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom

was referred Senate bill No. 158, to be entitled: "An act to incorporate the Houston Cooperage and Manufacturing Company," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. E. GROTHAUS, Chairman,
R. ALLEN,
H. MOORE,
G. W. PATTEN,
FRANKS.

Senate bill No. 158 was then read,

10:30 o'clock A. M.

SPECIAL ORDER.

Viz.: House bill No. 873, to be entitled "An act to relieve Fred Meltner from paying State, county and municipal taxes on the sale of goods, wares and merchandise in the State of Texas."

On motion of Mr. Grothaus, the consideration of House bill No. 873 was postponed until the reports of the Committee on Commerce and Manufactures be disposed of.

Senate bill No. 158 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 292, to be entitled "An act to incorporate the Southwestern Express and Transportation Company," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. E. GROTHAUS, Chairman,
R. ALLEN,
HENRY MOORE,
G. W. PATTEN,
FRANKS.

Senate bill No. 292 was then read.

On motion of Mr. Elam section one was amended by striking out the name of "J. M. Osborne."

Senate bill No. 292 was then ordered to its third reading; read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 245, to be entitled "An act to incorporate the Port of Galveston and Bolivar Point Wharf and Cotton Press Company," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. E. GROTHAUS, Chairman,
R. ALLEN,
H. MOORE,
FRANKS,
G. W. PATTEN.

Senate bill No. 245 was then read and on motion of Mr. Plumley it was recommitted to the Committee on Commerce and Manufactures.

COMMITTEE ROOM,
Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 828, to be entitled "An act to incorporate the International Iron and Car Manufacturing Company," after due consideration, beg leave to recommend its passage with the following amendments, to-wit: In section two strike out all after the words "to prepare the raw material for manufacture or market." Strike out section five.

F. E. GROTHAUS, Chairman,
R. ALLEN,
H. MOORE,
FRANKS,
G. W. PATTEN.

House bill No. 828 was then read.

Mr. Grothaus moved the adoption of the amendments recommended by the committee.

On motion of Mr. Evans, the amendments were laid on the table, taking with them House bill No. 828.

COMMITTEE ROOM,
Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Commerce and Manufactures, to whom

was referred House bill No. 858, to be entitled "An act to incorporate the Home Insurance and Trust Company of Texas," having carefully considered the same, beg leave to report back and recommend its passage with the following amendments, to-wit: In section one, after the words "common seal," strike out "and change the same at pleasure." In section five, strike out word "ninety-nine" and insert "fifty." In section six, strike out the words "and also have their lives insured in said company for an amount not less than five thousand dollars." In section seven, fill up blank by inserting word "four;" strike out the words "branch, branch company, branch office," wherever they may occur, and insert in lieu thereof the word "agency;" strike out the words "branches and branch offices," wherever they may occur, and insert in lieu thereof the word "agencies;" strike out in line fourteen, section twelve, in line twelve, section fifteen, in line nine, section sixteen, the word "branch."

F. E. GROTHAUS. Chairman,
R. ALLEN,
HENRY MOORE,
GRAY FRANKS.
G. W. PATTEN.

On motion of Mr. Grothaus the amendments recommended by the committee were adopted.

Mr. Morrison moved to reconsider the vote by which the House adopted the amendment to section seven.

Mr. Morris moved to lay the motion to reconsider on the table. Lost.

The House refused to reconsider.

Mr. R. Allen moved to lay House bill No. 858 on the table. Lost.

House bill No. 858 was then read and ordered to be engrossed and passed to its third reading.

11 o'clock A. M.

SPECIAL ORDER.

Viz.: House bill No. 950.

On motion of Mr. Grothaus the consideration of the special order was postponed until the reports of the Committee on Commerce and Manufactures be disposed of.

COMMITTEE ROOM,
Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom

was referred House bill No. 905, to be entitled "An act to incorporate the Bryan Manufacturing Company," having carefully considered the same, beg leave to report back and recommend its passage.

F. E. GROTHAUS, Chairman,

R. ALLEN,

FRANKS,

PATTEN,

H. MOORE.

House bill No. 905 was then read, ordered to be engrossed and passed to its third reading.

On motion of Mr. Gardiner, the rules were suspended and House bill No. 905 read the third time, passed and its title agreed to.

COMMITTEE ROOM,

Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Commerce and Manufactures, to whom was referred House bill No. 877, to be entitled "An act to incorporate the Houston Savings Bank," having carefully considered the same, beg leave to report back and recommend its passage.

F. E. GROTHAUS, Chairman,

R. ALLEN,

H. MOORE,

G. W. PATTEN,

FRANKS.

House bill No. 877 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Richard Allen, the rules were suspended, and House bill No. 877 read the third time, passed and its title agreed to.

COMMITTEE ROOM,

Austin, Nov. 10, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Commerce and Manufactures, to whom was referred House bill No. 847, to be entitled "An act to confer additional authority upon the Excelsior Transfer and Transportation Company," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

F. E. GROTHAUS, Chairman,

R. ALLEN,

H. MOORE,

G. W. PATTEN,

FRANKS.

On motion of Mr. Grothaus, the report was adopted, and House bill No. 847 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 3, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 838, have had the same under consideration and beg leave to report the bill back to the House with the recommendation that it do pass.

Respectfully,

F. E. GROTHAUS, Chairman,
C. L. ABBOTT,
W. T. SIMMONS,
G. W. PATTEN,
H. MOORE,
FRANKS.

House bill No. 838, to be entitled "An act to amend the third section of 'an act to incorporate the Galveston Bay Dredging Company,' passed June 30, 1870," was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Haswell, the rules were suspended and House bill No. 838 read third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Commerce and Manufactures, to whom was referred House bill No. 937, to be entitled "An act to incorporate the Pecos Irrigating, Manufacturing and Live Stock Company," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. E. GROTHAUS, Chairman,
G. W. PATTEN,
FRANKS,
SIMMONS,
HENRY MOORE.

House bill No. 937 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Kyle, the rules were suspended and House bill No. 937 read the third time.

Mr. Hawkins moved to lay House bill No. 937 on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. B. Allen, Austin, Bonner, Burley, Davis, Dorris, George, Gaston, Hawkins, Morrison, Robb, Self, Shelburne, Weaver—16.

Nays—Messrs. Richard Allen, Camp, Chambers, Cole, Cotton, Elam, Evans, Franks, Gant, Gardiner, Grothaus, Hamilton, Harn, Haswell, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McLean, Miller, Mitchell, Morris, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Schlickum, Sheriff, Shoemaker, Simmons, Slaughter, Stockbridge, Tegerer, Tinsley, York, Young, Youngkin, Zapp, Zoeller—49.

So the House refused to lay House bill No. 937 on the table.

11:30 o'clock A. M.

SPECIAL ORDER,

Viz: House bill No. 918, to be entitled "An act amendatory of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871."

On motion of Mr. Franks, the consideration of House bill No. 918 was indefinitely postponed.

Mr. Locke moved the previous question. Previous question seconded.

The question being, "Shall the main question be now put?" the main question was ordered.

The main question being on the passage of House bill No. 937, it was passed and its title was agreed to.

A message was received from the Senate returning the following House bills passed by that body, viz.: House bills Nos. 273, 446, 492, 798 and 833, and House bill No. 446 passed with amendment.

Also, transmitting for the concurrence of the House the following Senate bills, viz.: Nos. 481, 513, 548, 560, 565 and 572.

Also, announcing that the Senate adheres to its amendments to House bill No. 114, and has appointed as a committee of conference Messrs. Saylor, Pyle and Gaines, to confer with a like committee of the House.

Mr. Morris moved that the Speaker appoint a committee of conference on House bill No. 114. Carried.

SPECIAL ORDER.—Resumed.

Viz.: House bill No. 873.

On motion of Mr. Schotze, the consideration thereof was postponed until to-morrow at 10:15 o'clock A. M.

Also, House bill No. 950, to be entitled "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August 31, 1870 and 1871; for fees due district attorneys, district clerks, sheriffs and justices of the peace in felony cases."

On motion of Mr. Zoeller, the consideration of House bill No. 950 was postponed for fifteen minutes.

On motion of Mr. Zoeller, the rules were suspended, and House bill No. 446, to be entitled "An act to muster into service minute men for the protection of the frontier," returned from the Senate with amendment, was taken up.

On motion of Mr. Grothaus, the House agreed to the following Senate amendments, viz.: Strike out section 7; section eight to be numbered seven, section nine to be numbered eight, and section ten to be numbered nine.

On motion of Mr. Zoeller, the House agreed to the following amendment: Strike out the words "to be appointed by the Governor," and insert in lieu thereof "to be elected by the company."

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 22, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 648, entitled "An act making an appropriation for certain purposes;" No. 768, entitled "An act to legalize the action of the County Court of Cameron county in issuing fifteen thousand dollars of bonds of said county, bearing an annual interest of eight per cent., to cancel indebtedness of said county;" No. 853, entitled "An act for the relief of persons who have lost certain property after assessment, from paying taxes thereon;" No. 856, entitled "An act to incorporate the Galveston Savings Bank and Trust Company;" No. 897, entitled "An act to release to the county of Houston the State tax for the year 1871, for the completion of a court house and jail in said county;" No. 925, entitled "An act amendatory to an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858;" No. 930, entitled "An act for the relief of sheriffs;" No. 931, entitled "An act amendatory of section five of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871;" No. 932, entitled "An act to amend section one and to repeal section six of 'an act to authorize county courts to levy a road tax, and to im-

prove roads and bridges,' passed August 4, 1870," and No. 938, entitled "An act amendatory of section two of 'an act for ceding to the United States jurisdiction of certain lands in this State for public purposes,' approved December 19, 1849," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,

J. F. McKEE,

W. G. ROBINSON,

H. C. ELLIS.

Report accepted.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,

Austin, Nov. 22, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following House bills, to-wit: No. 749, "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association of Bryan, Texas;" No. 866, "An act to encourage the manufacture of cotton and wool in this State;" No. 769, "An act to establish a ferry across the Neches river, at the Bodenhamer crossing, county of Houston;" No. 819, "An act to amend 'an act prescribing the times of holding the courts in the several judicial districts in the State,' approved August 18, 1870;" No. 118, "An act to incorporate the Excelsior Real Estate and Building Association;" No. 171, "An act to incorporate the Hebrew Benevolent Society of Brownsville and Matamoras, in Brownsville, Cameron county, Texas;" No. 637, "An act for the relief of the heirs of George W. Wall, deceased;" No. 595, "An act to incorporate the Houston Tanney and Leather Manufacturing Company;" No. 767, "An act for the relief of Colonel Thomas William Ward."

Respectfully,

GEORGE T. HASWELL, Chairman.

Report accepted.

Mr. Grothaus moved that the House adjourn until 7:30 this P. M. Lost.

On motion of Mr. Plumley, the rules were suspended to allow him, as chairman of the Committee on Internal Improvements, to report.

On motion of Mr. Haswell, the House at 12 o'clock M. adjourned until 3:30 o'clock this P. M.

AFTERNOON SESSION.

3:30 o'Clock P. M.

House met pursuant to adjournment. Speaker Sinclair in the Chair. Roll called. Quorum present.

Absent, not excused—Messrs. Posey and Prissick.

[Mr. Booty in the chair.]

REPORTS OF COMMITTEES.

Mr. Plumley, chairman of the Committee on Internal Improvements, under a suspension of the rules made this A. M. submitted the following reports :

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to whom was referred Senate bill No. 494, to be entitled "An act to incorporate the Star Water Works Company," having duly considered the same, report the same with the amendment of the name of "A. N. Shipley," to be inserted as one of the incorporators ; so amended the Committee recommend the passage of the bill.

Respectfully,

PLUMLEY, Chairman,
LOCKE,
ZAPP,
LANE,
HASWELL,
HARN,

Report of Mr. Plumley, the committee's recommendation was adopted.

Bill No. 494 was then read.

On motion of Mr. Johnson, section one was amended by inserting the name of "W. L. Chalmers" as one of the incorporators.

On motion of Mr. Plumley, the name of "P. Tiernan" was inserted as one of the incorporators.

On motion of Mr. Harn, the name of "John Robinson" was inserted as one of the incorporators.

Senate bill No. 494 was then ordered to its third reading, read the third time, and its title agreed to.

COMMITTEE ROOM. }
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to whom was referred House bill No. 867, to be entitled "An act supplementary to 'an act to regulate railroad companies,'" respectfully report the same without amendments and recommend its passage.

PLUMLEY, Chairman,
MORRISON,
LOCKE,
ZAPP,
HASWELL,
PATTEN,
HARN,
LANE.

House bill No. 867 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Plumley, the rules were suspended, and House bill No. 867 read the third time, passed and its title agreed to.

A message was received from the Senate transmitting, for the signature of the Speaker, the following enrolled Senate bills: Nos. 487, 439, 542, 153 and 154, which were signed and returned to the Senate; the Chief Clerk also transmitting, for the concurrence of the Senate, House bills Nos. 648, 768, 853, 856, 897, 925, 930, 931, 932 and 938.

And returning Senate bills Nos. 158 and 292 which had been passed by the House without amendment.

COMMITTEE ROOM, }
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to whom was referred House bill No. 835, to be entitled "An act appropriating certain portions of the public domain to the use and support of the public free schools of the State," respectfully return said bill and recommend that it be referred to Committee on Education.

PLUMLEY, Chairman,
ZAPP,
LOCKE,
MORRISON,
LANE,
HASWELL,
ROBINSON.

On motion of Mr. Plumley the report was adopted and House bill No. 835 referred to the Committee on Education.

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 302, to be entitled "An act to incorporate the Upper Sabine Navigation Company," having carefully considered the same, beg leave to report back and recommend that the bill be laid on the table.

Respectfully,

PLUMLEY, Chairman,
ZAPP,
McLEAN,
LANE,
LOCKE,
HARN,
HASWELL,
PATTEN.

On motion of Mr. Franks, the report was adopted, and Senate bill No. 302 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 323, to be entitled "An act to incorporate the Marion County Tap Railroad Company," having carefully considered the same, beg leave to report back and recommend that the bill be indefinitely postponed, as the bill appears to encroach on the rights of the Southern Trans-Continental Railroad Company, as will appear in section six of the act of incorporation of that company, approved July 27, 1870.

Respectfully,

PLUMLEY, Chairman,
McLEAN,
LOCKE,
ZAPP,
PATTEN,
HARN,
WILLIAMS,
HASWELL,
ROBINSON.

On motion of Mr. Johnson, the report of the committee was adopted, and House bill No. 323 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 324, to be entitled "An act to incorporate the Texas Inland Navigation Company," having carefully considered the same, beg leave to report back, and recommend its indefinite postponement.

Respectfully,

PLUMLEY, Chairman,
LANE,
ZAPP,
MORRISON,
HASWELL,
WILLIAMS,
McLEAN,
CHAMBERS,
PATTEN,
LOCKE.

On motion of Mr. Morrison the report of the committee was adopted, and House bill No. 324 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred Senate bill No. 370, to be entitled "An act to amend an act to incorporate the Western Narrow Gauge Railroad Company," having carefully considered the same, beg leave to report back, and recommend that it be indefinitely postponed, a similar bill having passed both houses of the Legislature at a previous session.

Respectfully,

PLUMLEY, Chairman,
ZAPP,
LANE,
McLEAN,
PATTEN,
MORRISON,
HARN,
HASWELL,
LOCKE.

On motion of Mr. Morrison the report of the committee was adopted, and Senate bill No. 370 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 477, to be entitled "An act to incorporate the Rockport, Fulton, Laredo and Mexican Pacific Railroad Company," having carefully considered the same, beg leave to report back and recommend that it be indefinitely postponed, a similar bill having passed the Senate and House.

Respectfully,

PLUMLEY, Chairman.
LANE,
ZAPP,
MORRISON.
HASWELL,
WILLIAMS,
McLEAN,
CHAMBERS,
PATTEN,
LOCKE.

On motion of Mr. Camp, the report of the committee was adopted, and House bill No. 477 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 478, to be entitled "An act to incorporate the Galveston, Austin and Denver City Railroad Company," having carefully considered the same, beg leave to report back and recommend that the bill be laid on the table.

Respectfully,

PLUMLEY, Chairman.
ZAPP,
CHAMBERS,
PATTEN,
ROBINSON,
HARN,
MORRISON,
WILLIAMS,
McLEAN,
LANE.

On motion of Mr. Plumley, the report of the committee was adopted, and House bill No. 478 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bills Nos. 482 and 541, to be entitled "Acts amendatory and supplementary to 'an act to incorporate the Bolivar Point Eastern Red River Railroad Company,'" having carefully considered the same, beg leave to report back and recommend that said bills be indefinitely postponed, as an act has been passed superseding these bills:

Respectfully,

PLUMLEY, Chairman,
ZAPP,
PATTEN,
CHAMBERS,
LOCKE,
LANE,
McLEAN,
WILLIAMS.

On motion of Mr. Johnson the report of the committee was adopted and House bills Nos. 482 and 541 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 497, to be entitled "An act to incorporate the Midway and East Texas Railroad Company," having carefully considered the same, beg leave to report back and recommend that the bill be indefinitely postponed, as said bill is not now desired by some of the leading corporators named in the bill.

Respectfully,

PLUMLEY, Chairman,
PATTEN,
ZAPP,
ROBINSON,
WILLIAMS,
HARN,
HASWELL,
LOCKE,
CHAMBERS.

On motion of Mr. Leonard the report of the committee was adopted and House bill No. 497 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 504, to be entitled "An act to incorporate the Rio Grande City Wichita Immigration and Frontier Protection Company," having carefully considered the same, beg leave to report back and recommend that it be indefinitely postponed.

Respectfully,

PLUMLEY, Chairman,
LANE,
ZAPP,
MORRISON,
HASWELL,
WILLIAMS,
McLEAN,
CHAMBERS,
PATTEN.

On motion of Mr. Johnson, the report of the committee was adopted, and House bill No. 504 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 656, to be entitled "An act to amend an act entitled 'an act to authorize counties, cities and towns to aid in the construction of railroads,'" having carefully considered the same, beg leave to report back and recommend that it be indefinitely postponed, a similar bill having been already passed.

Respectfully,

PLUMLEY, Chairman,
PATTEN,
ZAPP,
LOCKE,
HARN,
HASWELL,
LANE,
MORRISON.

On motion of Mr. Locke, the report of the committee was adopted, and House bill No. 656 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to whom was referred House bill No. 662, to be entitled "An act to incorporate the Galveston Trunk Railroad Company," having carefully considered the same, beg leave to report back and recommend that it be indefinitely postponed, other bills having superseded the necessity of this bill.

Respectfully,

PLUMLEY, Chairman,
ZAPP,
CHAMBERS,
WILLIAMS,
PATTEN,
ROBINSON,
LANE,
MCLEAN,
HARN,
HASWELL.

On motion of Mr. Johnson, the report of the committee was adopted, and House bill No. 662 indefinitely postponed.

The Chair announced the following as the conference committee on House bill No. 114, to be entitled "An act to incorporate the Jefferson City Street Railway Company : " Messrs. Morris, Robinson, J. F. McKee, Booty and McLean.

Mr. Locke, chairman of the Committee on Agriculture and Stockraising, submitted the following reports :

COMMITTEE ROOM,
Austin, Nov. 11, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Agriculture and Stockraising, to whom was referred "Petition of citizens of Matagorda county, asking to be included in the stock bill ; " also, House bill No. 863, to be entitled "An act to amend 'an act to encourage stockraising and for the protection of stockraisers,' approved May 22, 1871," after due consideration, beg leave to report back and recommend

that both petition and bill be laid on the table, and that the accompanying substitute for House bill No. 863 do pass.

Respectfully,

W. J. LOCKE, Chairman,
J. YORK,
LEONARD
J. B. SELF,
F. KYLE,
S. COTTON,
L. B. CAMP.

House bill No. 863 was then read.

The substitute recommended by the committee was then read and adopted in lieu of the original bill.

House bill No. 863 was then ordered to be engrossed and passed to its third reading.

On motion of Mr. Locke the rules were suspended and House bill No. 863 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Agriculture and Stockraising, to whom was referred House bill No. 892, to be entitled "An act to incorporate the Medina Live Stock Company," having carefully considered the same, beg leave to report back, and recommend its passage.

Respectfully,

J. W. LOCKE, Chairman.
SILAS COTTON,
SELF,
LEONARD,
F. KYLE,
CAMP,
SHOEMAKER.

House bill No. 892 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus, the rules were suspended and House bill No. 892 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Agriculture and Stockraising, to whom was referred House bill No. 839, to be entitled "An act to incor-

porate the Agricultural and Mechanical and Live Stock Association, of the Colorado Valley," having carefully considered the same, beg leave to report back and recommend that it be laid on the table, a bill of a similar nature, for the county of Travis, having already passed the House.

Respectfully,

W. J. LOCKE, Chairman,
SILAS COTTON,
SELF,
LEONARD,
CAMP,
SHOEMAKER.

On motion of Mr. Plumley, House bill No. 839 was indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stockraising, to whom was referred Senate bill No. 334, to be entitled "An act to encourage the holding of industrial fairs by exempting certain property from taxation," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

W. J. LOCKE, Chairman,
LEONARD,
YORK,
SPENCER,
SHOEMAKER,
KYLE,
COTTON,
CAMP,
SELF.

Senate bill No. 334 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stockraising, to whom was referred Senate bill No. 489, to be entitled "An act to incorporate the Texas Live Stock Insurance Company," having carefully

considered the same, beg leave to report back and recommend its passage.

W. J. LOCKE, Chairman,
SELF,
LEONARD,
F. KYLE,
J. YORK,
GEO. SPENCER,
CAMP,
SHOEMAKER,
SILAS COTTON.

Senate bill No. 489 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

Mr. Jenkins, from the select committee of conference on Senate bill No. 405, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

GENTLEMEN: The committee of conference appointed by both houses, to take into consideration the causes of disagreement between the two houses upon Senate bill No. 405, entitled "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856," have had the same under consideration, and recommend that the House of Representatives recede from its amendment striking out section three of said bill.

Respectfully submitted,

E. B. PICKETT,
W. H. PARSONS,
J. S. MILLS,

Managers on part of the Senate.

IRA H. EVANS,

Manager on part of the House.

Dissenting:

J. C. JENKINS,
FRITZ TEGENER.

Mr. Evans moved that the report of the conference committee be adopted, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Chambers, Elam, Evans, Franks, Grothaus, Locke, Robinson, Smyth—8.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Booty, Bonner, Cole, Cotton, Dorris, Gant, Gardiner, George, Gaston, Hamilton, Haswell, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Schlickum, Self, Shelburne, Shoemaker, Simmons, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—53.

So the House refused to adopt the report of the conference committee.

Reports of the Committee on Agriculture and Stockraising resumed:

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Agriculture and Stockraising, to whom was referred House bill No. 912, to be entitled "An act for the protection of dumb animals," having carefully considered the same, beg leave to report back and recommend its passage with the following amendment, to-wit: In section one, line three, strike out the word "unjustifiably."

W. J. LOCKE, Chairman,
F. KYLE,
GEO. SPENCER,
CAMP,
SHOEMAKER.
COTTON.

On motion of Mr. Locke, the amendment recommended by the committee was adopted.

House bill No. 912 was then read.

Mr. Grothaus moved to amend section one by inserting after "dogs" the words "or cats." Lost.

Mr. Gant moved to lay House bill No. 912 on the table. Lost.

On motion of Mr. Franks, House bill No. 912 was postponed and made the special order for to-morrow at 11:30 o'clock A. M.

Mr. George, chairman of the Committee on Counties and County Boundaries, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Counties and County Boundaries, to

whom was referred House bill No. 908, to be entitled "An act to provide for the division of records of Refugio and Aransas counties, and their transfer to their proper counties," have considered the same, and herewith report said bill back to the House with the recommendation that it do pass.

Respectfully,

J. D. GEORGE, Chairman,
J. YORK,
M. KENDALL,
SMYTH,
STOCKBRIDGE.

House bill No. 908 was then read and ordered to be engrossed and passed to its third reading.

Mr. Johnson moved that the House adjourn. Lost.

On motion of Mr. Camp the rules were suspended, House bill No. 908 read the third time, passed and its title agreed to.

Mr. Gaston moved a reconsideration of the vote by which the House laid on the table House bill No. 826.

Mr. Jo. Abbott moved that the House adjourn. Lost.

By unanimous consent Mr. C. L. Abbott, chairman of the Committee on State Affairs, submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 888, to be entitled "An act to incorporate the North Texas Land and Banking Company," having carefully considered the same, beg leave to report back and recommend that it be laid on the table, and the accompanying substitute passed in lieu thereof.

Respectfully,

C. L. ABBOTT, Chairman,
GASTON,
DUPREE,
J. F. McKEE,
JOHNSON.

House bill No. 888 was then read.

The substitute recommended by the committee was then read; and on motion of Mr. Gant adopted in lieu of the original bill, and it was ordered to be engrossed and passed to its third reading.

On motion of Mr. Gant, the rules were suspended, House bill No. 888 read the third time, passed, and its title agreed to.

On motion of Mr. Gant, the House at 5 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 23, 1871.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Camp, the reading of yesterday's journal was dispensed with.

On motion of Mr. Chambers, Mr. Smyth was excused from attendance on the House to-day on account of sickness.

On motion of Mr. Grothaus, the rules were suspended to take up Senate bills on their first reading.

SENATE BILLS ON FIRST READING.

Senate bill No. 450, to be entitled "An act to incorporate the Salamander Fire Company No. 1, of the city of Marshall, Texas," was read the first time, rules suspended, read the second time, and referred to the Committee on State Affairs.

Senate bill No. 481, to be entitled "An act to incorporate the Library Building Association, of Galveston," was read the first time; rules suspended, read the second time, and referred to the Committee on State Affairs.

Senate bill No. 513, to be entitled "An act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the City of Bryan," was read the first time; rules suspended, read the second time, and on motion of Mr. Gardiner it was referred to a select committee of three, composed of Messrs. Gardiner, Robertson and Haswell, with leave to report at any time.

Senate bill No. 516, to be entitled "An act to incorporate Charnwood Institute," was read the first time; rules suspended, read the second time, and referred to the Committee on Education.

Senate bill No. 520, to be entitled "An act for the relief of the heirs of Joseph Kerr and Nathaniel M. Kerr," was read the first time; rules suspended, read the second time, and referred to the Committee on Private Land Claims.

Senate bill No. 523, to be entitled "An act to incorporate the Houston Turn Verein," was read the first time; rules suspended, read the second time, and referred to the Committee on State Affairs.

Senate bill No. 824, to be entitled "An act to incorporate the Point Isabel City Company," was read the first time; rules sus-

pending, read the second time, and referred to the Committee on State Affairs.

Senate bill No. 545, to be entitled "An act creating the Colorado Real Estate and Banking Company," was read the first time; rules suspended, read the second time, and referred to the Committee on Finance.

Senate bill No. 548, to be entitled "An act to authorize the county of Calhoun to improve the channel from the Gulf into Matagorda Bay, and to create a bonded debt for that purpose," was read the first time; rules suspended, read the second time and referred to the Committee on Commerce and Manufactures.

Senate bill No. 560, to be entitled "An act to incorporate the Santa Gertrude Mining and Manufacturing Company," was read the first time; rules suspended, read the second time and referred to the Committee on Commerce and Manufactures.

Senate bill No. 564, to be entitled "An act to incorporate the Mutual Live Stock Insurance Company of Western Texas," was read the first time; rules suspended, read the second time and referred to the Committee on Agriculture and Stockraising.

Senate bill No. 565, to be entitled "An act further prescribing the time of holding the term of the District Court in the Eighth Judicial District," was read the first time; rules suspended, read the second time and referred to the Committee on Judiciary.

Senate bill No. 572, to be entitled "An act for the relief of Luke A. Falvel," was read the first time; rules suspended, read the second time and referred to the Committee on State Affairs.

By unanimous consent, Mr. Evans offered the following resolution:

Resolved, That the Secretary of State be and he is hereby called upon to furnish this House, as soon as possible, with a tabular statement of the registered vote of this State, by counties, according to the latest return from each county.

Resolution read the first and second times, and on motion of Mr. Evans it was adopted.

Mr. Franks moved a suspension of the rules to allow Mr. Morrison to offer a resolution, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Austin, Burley, Camp, Cotton, Dorris, Dupree, Elam, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Jenkins, Jones, Johnson, Kendall, Lacy, Lane, Leonard, Lyons, McLean, Medlock, Morris, Morrison, Moore of Harrison, Patten, Plumley, Polly, Putnam, Rainey, Ross, Schlickum, Shelburne, Shoemaker, Simmons, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Young, Youngkin—47.

Nays—Messrs. Abbott of Austin, Booty, Bonner, Chambers, Davis, Gant, Kyle, Locke, McKee of Guadalupe, Mitchell, Robertson, Robinson, Self, Williams of Colorado, Williams of Walker, Zapp, Zoeller—17.

So the rules were suspended and Mr. Morrison offered the following resolution:

Resolved, That the proprietors of the *Houston Union* and *Galveston News*, be paid at the rate of seven cents for the copies supplied each member of this House, to be paid out of the contingent fund, and that the chairman of Committee on Printing and Contingent Expenses be required to certify to correctness of bills, before presentation to State Comptroller for warrant."

10:15 o'clock A. M.

SPECIAL ORDER,

Viz.: House bill No. 873, to be entitled "An act to relieve Fred Miltner from paying State, county, municipal and occupation taxes, on the sale of goods, wares and merchandise in the State of Texas."

Mr. Morrison moved to postpone the special order until the resolution now under consideration be disposed of, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cotton, Dupree, Elam, Evans, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Medlock, Morris, Morrison, Moore of Harrison, Patten, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Self, Shelburne, Simmons, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Young, Youngkin—56.

Nays—Messrs. Abbott of Austin, Davis, Dorris, Gant, Locke, McKee of Guadalupe, Mitchell, Williams of Colorado, Williams of Walker, Zapp, Zoeller—11.

So the special order was postponed.

The resolution offered by Mr. Morrison was read the first and second times.

Mr. Harn moved to amend by inserting "and *Houston Daily Times* from the fifteenth of November to the day of adjournment *sine die*."

Mr. Chambers moved to lay the amendment on the table. Lost.

Mr. Slaughter moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Booty, Burley, Chambers, Cotton, Dorris, Dupree, Elam, Evans, Franks, Gardiner, Grothaus, Hamilton, Haswell, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, McLean, Medlock, Morris, Morrison, Moore of Harrison, Patten, Plumley, Polly, Posey, Putnam, Ross, Schlickum, Self, Shelburne, Sheriff, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Young, Youngkin—47.

Nays—Messrs. Abbott of Austin, Abbott of Hill, Austin, Bonner, Davis, Gant, George, Gaston, Harn, Hawkins, Locke, Lyons, McKee of Guadalupe, Miller, Mitchell, Rainey, Robertson, Robinson, Shoemaker, Simmons, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—25.

So the main question was ordered.

The question being first on the adoption of the amendment offered by Mr. Harn, the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Burlcy, Dorris, Elam, Evans, Gaston, Harn, Jenkins, Jones, Johnson, Kyle, Lacy, Leonard, McKee of Guadalupe, McLean, Miller, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Robinson, Schutze, Self, Shelburne, Slaughter, Weaver, Young, Zapp—33.

Nays—Messrs. Abbott of Austin, Richard Allen, Chambers, Cotton, Davis, Dupree, Franks, Gant, Gardiner, George, Grothaus, Hamilton, Haswell, Hawkins, Kendall, Lane, Locke, Lorange, Lyons, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Ross, Schlickum, Sheriff, Shoemaker, Simmons, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—40.

So the House refused to adopt the amendment.

The question then recurred on the adoption of the resolution; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, R. Allen, Austin, Booty, Burley, Cotton, Dupree, Elam, Evans, Franks, Gardiner, Grothaus, Hamilton, Harn, Haswell, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Medlock, Morris, Morrison, Moore of Harrison, Patten, Plumley, Polly, Posey, Putnam, Rainey, Robb, Schlickum, Schutze, Self, Sheriff, Slaughter, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, York, Young, Youngkin—51.

Nays—Messrs. Bonner, Chambers, Cole, Davis, Dorris, Gant, George, Gaston, Hawkins, Locke, Lorange, McKee of Guadalupe,

Miller, Mitchell, Robertson, Robinson, Ross, Shoemaker, Simmons, Williams of Colorado, Williams of Walker, Zapp, Zoeller—23.
So the resolution was adopted.

SPECIAL ORDER—Resumed,

Viz.: House bill No. 873, which was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Schutze, the rules were suspended, House bill No. 873 read the third time, passed, and its title agreed to.

REPORTS OF COMMITTEES.

Mr. Zoeller, chairman of the Committee on Indian Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Indian Affairs, to whom was referred House joint resolution No. 36, "Joint resolution asking the government of the United States to pay a suitable reward for the delivery of hostile Indians to the proper authorities," have carefully examined the same, and report it back with the recommendation that it do pass.

Respectfully,

AD. ZOELLER, Chairman,

A. M. COX.

J. G. SMYTH.

Dissenting:

F. SCHLICKUM,

J. B. SELF.

House joint resolution No. 36 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus the rules were suspended and House joint resolution No. 36 read the third time and passed by the following vote:

Yeas—Messrs. Abbott of Austin, Booty, Camp, Dorris, Dupree, Elam, Evans, Gant, Gardiner, George, Grothaus, Hawkins, Jenkins, Jones, Kendall, Kyle, Leonard, Lyons, McKee of Guadalupe, Miller, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Putnam, Robb, Robinson, Ross, Schutze, Self, Shelburne, Shoemaker, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—42.

Nays—Messrs. Abbott of Hill, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Cole, Cotton, Davis, Franks, Gaston, Hamilton, Harn, Lane, Medlock, Morris, Polly, Rainey, Schlickum, Sheriff, Stirman, Tinsley, Van Noy, Weaver---24.

The title of the resolution was agreed to.

Mr. Robinson, chairman of the Committee on Town and City Corporations, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 869, to be entitled "An act to incorporate the town of Comanche, in Comanche county," having carefully considered the same, beg leave to report back and recommend its passage without amendment.

Respectfully,

WILLIS G. ROBINSON, Chairman,
W. J. LOCKE,
H. R. ALLEN,
A. J. BOOTY,
J. F. MCKEE,
H. W. YOUNG,
FRANKS,
J. W. ROBERTSON.

House bill No. 869 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Jenkins, the rules were suspended, and House bill No. 869 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 526, to be entitled "An act to amend an act entitled 'an act to amend an act incorporating the city of Jefferson, in Marion county,'" having carefully considered the same, beg leave to report back, and recommend that it pass, with the following amendments: Amend section three by striking out the word "and" after the word "mayor," and inserting after the word "alderman" the words "and recorder." Also, after section eleven, insert the following: "Section 12. The corporate limits of said city shall be one mile in every direction from the intersection of Broadway and Line streets in said city." Amend section two, arti-

cle. two, by striking out the word "thirty," and inserting in lieu thereof the word "twenty."

Respectfully,

W. G. ROBINSON, Chairman,
A. J. BOOTY,
J. F. McKEE,
JNO. W. ROBERTSON,
H. R. ALLEN,
W. J. LOCKE,
H. W. YOUNG.

On motion of Mr. Johnson, the consideration of Senate bill No. 526 was postponed and made the special order for Saturday at 11 o'clock A. M.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives

SIR: Your Committee on Town and City Corporations, to whom was referred Senate bill No. 435, to be entitled "An act to incorporate the town of Dresden, in Navarro county," having carefully considered the same, beg leave to report back and recommend its passage without amendments.

Respectfully,

W. G. ROBINSON, Chairman.
F. G. FRANKS,
W. J. LOCKE,
D. W. BURLEY,
J. F. McKEE.

Senate bill No. 435 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 831, to be entitled "An act to amend an act, approved August 13, 1870, incorporating the town of Bremond," having carefully considered the same, beg leave to report back and recommend its passage with the following amendments: Add to section one the following, "they shall have a corporate

seal." Section twelve, line three, insert the word "criminal" before "jurisdiction."

Respectfully,

W. G. ROBINSON, Chairman,
F. G. FRANKS,
W. J. LOCKE,
D. W. BURLEY,
J. F. McKEE.

On motion of Mr. Grothaus, the amendments recommended by the committee were adopted.

House bill No. 831 was then ordered to be engrossed and passed its third reading.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 850, to be entitled "An act to more particularly regulate and define the proceedings in district courts in regard to criminal causes," having carefully considered the same, find that it should not properly come before them, and therefore instruct me to report the same back and recommend its reference to the Committee on Judiciary.

Respectfully,

W. G. ROBINSON, Chairman,
F. G. FRANKS,
W. J. LOCKE,
D. W. BURLEY,
J. F. McKEE.

On motion of Mr. Robertson the report of the committee was adopted and House bill No. 850 referred to the Committee on Judiciary.

COMMITTEE ROOM, }
Austin, Nov. 14, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 849, to be entitled "An act to amend an act entitled 'an act to incorporate the town of Bastrop,' approved December 18, 1837," having carefully considered the same, beg leave to report back and recommend its passage, with the follow-

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ing amendment: Strike out the words "six months" and insert in lieu thereof "sixty days."

Respectfully,

W. G. ROBINSON, Chairman,
F. G. FRANKS,
W. J. LOCKE,
D. W. BURLEY,
J. F. McKEE.

On motion of Mr. Robinson, the amendment recommended by the committee was adopted, and House bill No. 849 ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM, }
Austin, Nov. 13, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Town and City Corporations, to whom was referred House bill No. 848, to be entitled "An act authorizing the Mayor and Board of Aldermen of the city of Brenham to dispose of the alleys of said city," having carefully considered the same, beg leave to report back and recommend its passage.

W. G. ROBINSON, Chairman.
W. J. LOCKE,
A. J. BOOTY,
D. W. BURLEY,
H. R. ALLEN.

House bill No. 848 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Stockbridge, the rules were suspended and House bill No. 848 read the third time, passed and its title agreed to.

On motion of Mr. Plumley, the Committee on Town and City Corporations was allowed more time to prepare reports on bills now in their possession.

Mr. R. Allen, chairman of the Committee on Roads Bridges and Ferries, submitted the following reports:

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 546, to be entitled "An act to incorporate the Red River Bridge Company," having carefully considered the same, beg leave to report back, and recommend its passage with the following amendments, to-wit: In section one strike

out names "George Massey and George C. Reeves;" and insert in lieu thereof the names of "Thomas H. Baker, George A. Cutler, E. T. Broughton, S. R. Shepherd and R. D. King." Also, amend by correcting the following errors in said Senate bill: In section ten before the word "company," strike out the word "shall," and insert "said." In section fifteen before the words "and refuse," insert the word "fail."

Respectfully,

R. ALLEN, Chairman.
STIRMAN,
GARDINER,
LACY,
MANNING,
SCHLOTMAN,
AUSTIN,
PUTNAM.

On motion of Mr. R. Allen the amendments recommended by the committee were adopted.

Senate bill No. 546 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 376, to be entitled "An act to establish a ferry across the Sabine river, at or near Red Rock, county of Upshur," having carefully considered the same, beg leave to report back and recommend its passage, with the following amendment, to-wit: Strike out the name of "George B. Slaughter" wherever it appears in the bill and insert in lieu thereof the name of "George H. Slaughter."

Respectfully,

R. ALLEN, Chairman,
STIRMAN,
LACY,
SCHLOTMAN,
MANNING,
GARDINER,
AUSTIN,
PUTNAM.

On motion of Mr. R. Allen, the amendment recommended by the committee was adopted.

Senate bill No. 376 was then read and ordered to its third reading, read the third time, passed and its title agreed to.

COMMITTEE ROOM,

Austin, Nov. 16, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 532, to be entitled "An act to incorporate the Gatesville, Bridge Company," having carefully considered the same, beg leave to report back and recommend its passage

Respectfully,

R. ALLEN, Chairman,
AUSTIN,
SCHLOTMAN,
PUTNAM,
STIRMAN,
LACY,
MANNING.

Senate bill No. 532 was then read and ordered to its third reading, read the third time, passed and its title agreed to.

COMMITTEE ROOM,

Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 871, to be entitled "An act to incorporate the Colorado and McDade Ferry Company," having carefully considered the same, beg leave to report back, and recommend its passage with the following amendments: In section four strike out "three" and insert "two." Strike out "section six," and let "section seven" read "section six."

Respectfully,

R. ALLEN, Chairman,
STIRMAN,
LACY,
SCHLOTMAN,
MANNING,
GARDINER,
AUSTIN,
PUTNAM.

On motion of Mr. Hamilton, the amendments recommended by the committee were adopted.

House bill No 871 was then read.

On motion of Mr. Schutze, section one was amended by inserting the name of F. Hoppe as one of the incorporators.

House bill No. 871 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Schutze, the rules were suspended, and House bill No. 871 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 891, to be entitled "An act to establish a ferry across the Neches river at Bates' Ferry, in Cherokee county," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

R. ALLEN, Chairman,
STIRMAN,
LACY,
SCHLOTMAN,
MANNING,
AUSTIN,
GARDINER,
PUTNAM.

House bill No. 891 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Gaston, the rules were suspended and House bill No. 891 read the third time, passed and its title agreed to.

A message was received from the Senate returning House bills Nos. 817 and 840, which the Senate had passed without amendment, and transmitting for concurrence of the House, Senate bills Nos. 534, 574, 490, 562, 535 and 529, and Senate joint resolution No. 46.

On motion of Mr. R. Allen, the rules were suspended to take up out of its regular order Senate bill No. 574, to be entitled "An act to amend an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county,' passed August 2, 1870," which was read the first time.

On motion of Mr. R. Allen, the rules were suspended and Senate bill No. 574 read the second time.

On motion of Mr. R. Allen, the rule requiring all bills on their second reading to be referred to committees, was suspended in this case and Senate bill No. 574 ordered to its third reading.

On motion of Mr. Johnson, the rules were further suspended and Senate bill No. 574 read the third time, passed and its title agreed to.

The Chief Clerk was dispatched to the Senate with Senate bills Nos. 334 and 489, which the House had passed without amendment, and Senate bill No. 494 passed with amendment.

And returning to the Senate enrolled Senate bills Nos. 153, 154, 439, 487 and 542, which had been signed by the Speaker in open session.

And informing that body that the House had appointed as a conference committee on House bill No. 114, Messrs. Morris, Robinson, J. F. McKee, Booty and McLean on the part of the House, to confer with a like committee from the Senate.

Also, that the House refused to adopt the report of the committee of conference on Senate bill No. 405.

On motion of Mr. Evans, the rules were suspended to take up

SENATE BILLS ON FIRST READING.

Senate bill No. 535, to be entitled "An act to amend section eight of an act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of 'an act to incorporate the Waco Tap-Railroad Company,'" was read the first time, rules suspended, read the second time and referred to the Committee on Internal Improvements.

Senate bill No. 490, to be entitled "An act to incorporate the Mechanics' Building Association of Jefferson, Texas," was read the first time, rules suspended, read the second time and referred to the Committee on State Affairs.

Senate bill No. 529, to be entitled "An act supplementary to and amendatory of an act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871," was read the first time, rules suspended, Senate bill No. 529 read the second time.

On motion of Mr. Plumley the rule requiring all bills on their second reading to be referred to committees was suspended in this case

Mr. Evans moved to amend section one by striking out the word "twelve" and inserting in lieu thereof the word "ten," upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Austin, Bonner, Camp, Chambers, Evans, Gant, Gaston, Jenkins, Jones, Kyle, Lane, Leonard, Lyons, Miller, Morris, Pierson, Polly, Posey, Putnam, Rainey, Robertson, Schlickum, Self, Shelburne, Simmons, Stirman, Tegener, Weaver, York--31.

Nays—Messrs. Booty, Burley, Cole, Cotton, Davis, Dorris, Elam, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Has-

well, Johnson, Kendall, Lacy, Locke, McKee of Guadalupe, Medlock, Mitchell, Moore of Harrison, Patten, Plumley, Robinson, Ross, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley-Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoel, ler—37.

So the House refused to adopt the amendment.

Senate bill No. 529 was then ordered to its third reading.

On motion of Mr. Schutze, the rules were further suspended, Senate bill No. 529 read the third time, passed and its title agreed to.

Senate bill No. 534, to be entitled "An act for the relief of Ezekiel W. Cullen," was read the first time; rules suspended, read the second time and referred to the Committee on Private Land Claims.

[Mr. Morris in the chair.]

Senate bill No. 562, to be entitled "An act to incorporate the North Texas Land Company," was read the first time; rules suspended, and read the second time.

On motion of Mr. Robertson, the rule requiring all bills to be referred to committees on their second reading was suspended in this case, and Senate bill No. 562 was ordered to its third reading.

11:30 o'clock A. M.

SPECIAL ORDER,

Viz.: House bill No. 912, to be entitled "An act for the protection of dumb animals."

On motion of Mr. Franks, section one was amended by striking out all after the word "dollars" in seventeenth line, and inserting the following: "And for a third or other violation of any of the provisions of this act, the defendant, upon conviction thereof, shall be liable to a fine not exceeding two hundred and fifty dollars, or be punished by confinement in the county jail for a term not exceeding three months, or both, at the discretion of the court or jury trying the same."

Mr. Lacy moved to lay House bill No. 912 on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Richard Allen, Booty, Burley, Cotton, Davis, Dupree, Elam, Gant, Gardiner, Hamilton, Haswell, Hawkins, Jenkins, Jones, Lacy, Lane Leonard, Mitchell, Morrison, Moore of Harrison, Rainey, Robb, Robertson, Ross, Schutze, Self, Shelburne, Sheriff, Slaughter, Stirman, Tegener, Weaver, Williams of Colorado, Zoeller—34.

Nays—Messrs. Abbott of Austin, H. R. Allen, Camp, Cole, Dorris, Evans, Franks, George, Grothaus, Harn, Johnson, Kendall,

Kyle, Locke, Lyons, McKee of Guadalupe, Medlock, Miller, Morris, Patten, Pierson, Plumley, Posey, Putnam, Robinson, Schlickum, Shoemaker, Stockbridge, Tinsley, Williams of Walker, York, Youngkin, Zapp—32.

So House bill No. 912 was laid on the table.

A message was received from the Senate, transmitting for the concurrence of the House Senate joint resolution No. 46, "Joint resolution prescribing the duties of the Inspector of the State Penitentiary."

On motion of Mr. Pierson, the House reconsidered the vote by which the House passed Senate bill No. 376.

On motion of Mr. Johnson, the rules were suspended to take up out of its regular order House bill No. 376.

On motion of Mr. Slaughter, section one of Senate bill No. 376 was amended by striking out the name of "William H. Bristow."

On motion of Mr. Slaughter, section one was further amended by inserting the name of "W. C. Pierson."

Senate bill No. 376 then passed, and its title was agreed to.

Reports of Committee on Roads, Bridges and Ferries resumed:

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 915, to be entitled "An act to authorize David Colley, his associates and successors to construct, own and keep a toll bridge on White Oak bayou, in Titus county," having carefully considered the same, beg leave to report back and recommend its passage with the following amendment, to-wit: In section three after words "man and horse" strike out "fifteen" and insert "ten."

Respectfully,

R. ALLEN, Chairman,
STIRMAN,
GARDINER,
LACY,
MANNING,
SCHLOTMAN,
AUSTIN,
PUTNAM.

On motion of Mr. Grothaus, the amendment recommended by the committee was adopted.

House bill No. 915 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. R. Allen, the rules were suspended, House bill No. 915 read the third time, passed and its title agreed to.

By unanimous consent Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 23, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 53, to be entitled "An act to incorporate the Brazos and Wichita Copper Mining and Manufacturing Company;" No. 757, to be entitled "An act to regulate life insurance in the State of Texas;" No. 787, to be entitled "An act to incorporate the Arrow Fast Freight and Transportation Company;" No. 818, to be entitled "An act to release Orange McCarty from paying State and county tax on the sales of groceries in the county of Angelina, State of Texas;" No. 838, to be entitled "An act to amend the third section of 'an act to incorporate the Galveston Dredging Company,' passed June 30, 1870;" No. 910, to be entitled "An act to amend an act entitled 'an act to incorporate the Merchants' Mutual Insurance Company,' approved September 19, 1866;" No. 933, to be entitled "An act to repeal sections one, two and three of 'an act providing for the payment of the outstanding indebtedness of the several counties,' passed July 21, 1870;" No. 934, to be entitled "An act to repeal 'an act to authorize the police courts of counties to levy and collect a special tax for the repair and completion of public buildings,' passed August 5, 1870," and No. 949, to be entitled "An act to incorporate the Waxahatchie Tap Railroad Company," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
B. S. SHELBURNE,
W. G. ROBINSON,
J. F. McKEE.

Report accepted.

COMMITTEE ROOM,
Austin, Nov. 15, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred House bill No. 902, to be entitled "An act to amend section one of an act entitled 'an act to authorize county courts to levy a road tax and to improve roads and bridges,' passed August

4, 1870," having carefully considered the same, beg leave to report back, and recommend that it be laid on the table. Your committee are of opinion that said bill is unconstitutional.

Respectfully,

R. ALLEN, Chairman,
STIRMAN,
SCHLOTMAN,
AUSTIN,
GARDINER,
MANNING,
LACY,
PUTNAM.

On motion of Mr. R. Allen, the report was adopted, and House bill No. 902 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 507, to be entitled "An act in relation to county bridges," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

R. ALLEN, Chairman,
STIRMAN,
GARDINER,
LACY,
MANNING,
AUSTIN,
SCHLOTMAN,
PUTNAM.

Senate bill No. 507 was then read and ordered to its third reading.

Senate bill No. 507 read the third time, passed and its title agreed to.

By unanimous consent, Mr. Johnson introduced a bill (House bill No. 953) to be entitled "An act amendatory of, and supplemental to an act entitled 'an act to authorize the County Court of Marion county, to issue coupon interest-bearing bonds for the building of a court house and jail for said county, and to levy a tax for the same,'" which was read the first time.

On motion of Mr. Johnson, the rules were suspended and House bill No. 953 read the second time.

On motion of Mr. Johnson, the rule requiring all bills on their

second reading to be referred to committees, was suspended in this case, and House bill No. 953 ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson, the rules were further suspended and House bill No. 953 read the third time, passed and its title agreed to.

On motion of Mr. Lane, the House at 12:30 o'clock P. M. adjourned until 3 o'clock this P. M.

AFTERNOON SESSION.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 23, 1871. }
3 o'clock P. M. }

House met pursuant to adjournment. Speaker Sinclair in the Chair. Roll called. Quorum present.

Absent, not excused—Messrs. Ellis, Prissick and Schlotman.

REPORTS OF COMMITTEES.

The Committee on Claims and Accounts submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 15, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 906, to be entitled "An act for the relief of Thomas F. McKinney," having carefully considered the same, beg leave to report back and recommend that it pass, with the following amendment: In section one strike out the words "sixteen hundred and ninety-four dollars and thirty-one cents, being ten per cent. per annum interest on said sum of twenty-four thousand two hundred and four dollars and forty-five cents," and insert in lieu thereof the words "one thousand dollars."

Respectfully,

GARDINER, Chairman,
ROBINSON,
STOCKBRIDGE,
WEAVER,

Dissenting:

VAN NOY

On motion of Mr. Gardiner, the amendment recommended by the committee was adopted.

House bill No. 906 was then read, and ordered to be engrossed and passed to its third reading by the following vote, the yeas and nays having been called for :

Yeas—Messrs. Richard Allen, H. R. Allen, Booty, Camp, Cotton, Dupree, Elam, Evans, Franks, Gant, Gardiner, George, Hamilton, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Posey, Robinson, Shelburne, Shoemaker, Slaughter, Stockbridge, Tinsley, Weaver, Williams of Walker, Young, Youngkin—42.

Nays—Messrs. Austin, Burley, Cole, Gaston, Grothaus, Haswell, Hawkins, Lyons, McKee of Guadalupe, Pierson, Polly, Putnam, Rainey, Robb, Ross, Schlickum, Self, Smyth, Spencer, Stirman, Tegener, Zapp, Zoeller—23.

Mr. Booty moved a call of the House. Call sustained.

Absent, not excused—Messrs. Abbott of Hill, Chambers, Ellis, Harn, Prissick, Schlotman, Schutze and Van Noy.

On motion of Mr. Booty, the Sergeant-at-Arms was dispatched for the absentees.

Mr. R. Allen moved a suspension of the call of the House, upon which motion the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Burley, Camp, Cotton, Dorris, Gardiner, George, Johnson, Kendall, McKee of Guadalupe, Mitchell, Morris, Moore of Harrison, Patten, Schlickum, Shoemaker, Slaughter, Tegener, Williams of Colorado, York, Zoeller—20.

Nays—Messrs. Richard Allen, H. R. Allen, Austin, Booty, Bonner, Cole, Davis, Dupree, Elam, Evans, Franks, Gant, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McLean, Medlock, Miller, Morrison, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Self, Shelburne, Sheriff, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tinsley, Weaver, Williams of Walker, Young, Youngkin, Zapp—54.

So the call of the House was not suspended.

Mr. Robertson moved to excuse Mr. Prissick from attendance on the House, under the call. Lost.

On motion of Mr. R. Allen, the call of the House was suspended.

A message was received from the Senate transmitting for the concurrence of the House, Senate bills Nos. 554, 517, 576 and 505, and informing the House that the Senate had receded from its amendments to House bill No. 177.

Mr. Elam moved that the House adjourn until 10 o'clock A. M., to-morrow. Lost.

The Chief Clerk was dispatched to the Senate with House bills Nos. 53, 787, 838, 910, 933, 934 and 949, for the concurrence of that body in their passage.

Also, returning Senate bills Nos. 435, 546, 507, 529, 582 and 574, which the House had passed without amendments, and Senate bill No. 376 passed with amendment.

Mr. Slaughter moved to suspend the rules to take up Senate bill No. 554, to be entitled "An act amendatory and supplementary to an act entitled 'an act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean,' passed on the —— day of May, 1871," upon which motion the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dorris, Dupree, Gardiner, George, Hamilton, Harn, Hawkins, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—59.

Nays—Messrs. Booty, Elam, Evans, Franks, Gant, Gaston, Grothaus, Haswell, Jones, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—18.

So the rules were suspended.

Senate bill No. 554 was then read the first time.

Mr. Zoeller moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Booty, Dupree, Elam, Evans, Gaston, Grothaus, Haswell, Jones, Locke, Polly, Putnam, Rainey, Robb, Self, Simmons, Smyth, Zapp, Zoeller—18.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Burley, Cole, Cotton, Davis, Dorris, Franks, Gant, Gardiner, George, Hamilton, Harn, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—53.

So the House refused to adjourn.

Mr. Dupree moved that the House adjourn until 7:30 o'clock this P. M. Lost.

Mr. Evans moved to reject Senate bill No. 554; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Booty, Elam, Evans, Gaston, Grothaus, Jones, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—15.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dorris, Dupree, Franks, Gant, Gardiner, George, Hamilton, Harn, Haswell, Jenkins Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—62.

So the House refused to reject the bill.

REPORTS OF COMMITTEES—Resumed.

Mr. Harn, chairman of the Committee on Privileges and Elections, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred "Petition of citizens of Liberty county, praying the Legislature to pass a general election law, to be held at some time during the present year, and then adjourn *sine die*," having had the same under consideration, respectfully report it back, recommending that it be laid on the table.

C. D. HARN, Chairman,
A. D. TINSLEY,
JULIUS SCHUTZE,
JOHN H. MORRISON,
W. J. LOCKE,
J. D. GEORGE,

I won't sign this:

COTTON,

We dissent:

J. W. ROBERTSON,
J. R. COLE.
F. KYLE.

Report adopted and petition laid on the table.

COMMITTEE ROOM,
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred House bill No. 875, entitled "An act amendatory of an act entitled 'an act to prescribe the time of the annual meetings of the Legislature,' approved July 22, 1870," having carefully considered the same, beg leave to report it back and recommend that it do pass.

Respectfully,

C. D. HARN, Chairman,
A. D. TINSLEY,
JULIUS SCHUTZE,
J. H. MORRISON,
W. J. LOCKE,
J. D. GEORGE,
COTTON,

We dissent:

J. W. ROBERTSON,
F. KYLE,
J. R. COLE.

House bill No. 875, was then read.

Mr. Robertson moved to strike out "fourth Tuesday in December" and insert "second Tuesday in October."

Mr. Evans moved to strike out "fourth Tuesday in December" and insert "fourth Tuesday in November," upon which motion the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Chambers, Evans, Grothaus, Lorange, Lyons, McKee of Guadalupe, Miller, Slaughter, Smyth, Tinsley, York, Zapp—12.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Booty, Burley, Camp, Cole, Cotton, Dorris, Dupree, Elam, Franks, Gant, Gaston, Hamilton, Harn, Haswell, Jenkins, Jones, Johnson, Kendall, Lacy, Kyle, Lane, Leonard, Locke, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Spencer, Stirman, Stockbridge, Tegener, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin, Zoeller—61.

So the amendment was lost.

The question recurring on the adoption of the amendment offered

by Mr. Robertson, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Elam, Evans, Franks, Gant, Grothaus, Haswell, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Ross, Schutze, Self, Shelburne, Simmons, Slaughter, Smyth, Spencer, Stirman, Weaver, York, Young, Zapp—41.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Dorris, Dupree, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Locke, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Sheriff, Shoemaker, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—31.

So the amendment was adopted.

House bill No. 875 was then ordered to be engrossed and passed to its third reading by the following vote the yeas and nays having been called for :

Yeas—Messrs. Abbott of Austin, Austin, Booty, Camp, Chambers, Cole, Elam, Evans, Franks, Gant, George, Grothaus, Haswell, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Ross, Schutze, Self, Shelburne, Simmons, Slaughter, Smyth, Spencer, Stirman, Weaver, York, Young, Zapp—42.

Nays—Messrs. Richard Allen, Burley, Cotton, Dorris, Dupree, Gardiner, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Sheriff, Shoemaker, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—28.

On motion of Mr. R. Allen the House at 4:30 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 24, 1871. }

House met pursuant to adjournment. Speaker Sinclair, in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. B. F. Williams the reading of yesterday's journal was dispensed with.

On motion of Mr. Gaston the use of the Hall was granted, on Sunday next, at 11 o'clock A. M., to the Rev. Mr. Dodge.

On motion of Mr. Plumley, Mr. Posey was excused for non-attendance on the House heretofore.

On motion of Mr. Posey, Mr. Hawkins was excused from attendance on the House to-day on account of sickness.

On motion of Mr. Tegener the Special Committee on Comptroller's and Treasurer's Offices was authorized to have the evidence already before them printed.

PETITIONS AND MEMORIALS.

Mr. Kyle presented the petition of John Cleveland, which was read and referred to the Committee on Public Buildings and Grounds.

Mr. Harn presented a petition from the citizens of Walker county, which was read and referred to the Committee on County and County Boundaries.

Mr. Robertson presented the "petition of the justices of the peace of Robertson county, for relief," which was read and referred to the Committee on Finance.

On motion of Mr. Stockbridge, the chairman of the Committee on Engrossed Bills, was authorized to employ an additional clerk.

Mr. Gardiner, chairman of the select committee on Senate bill No. 513, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 23, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your select committee, to whom was referred Senate bill No. 513, to be entitled "An act to reorganize the town of Bryan, in Brazos county, Texas, and to incorporate said town as the city of

Bryan," have carefully considered the same and report it back with the recommendation that it pass without amendment.

Very respectfully,

CHAS. W. GARDINER, Chairman,

GEO. T. HASWELL,

JOHN W. ROBERTSON.

Senate bill No. 513 was then read and ordered to its third reading, read the third time, passed, and its title agreed to.

REPORTS OF COMMITTEES.

Mr. Harn, chairman of the Committee on Privileges and Elections, submitted the following reports :

COMMITTEE ROOM,
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Privileges and Elections, to whom was referred "Petition of citizens of Jefferson county," relative to the passage of an election law, having had the same under consideration, report it back, recommending that it be laid on the table.

Respectfully,

C. D. HARN, Chairman,

A. D. TINSLEY,

J. SCHUTZE,

J. H. MORRISON,

W. J. LOCKE,

J. D. GEORGE,

COTTON.

Dissenting :

J. W. ROBERTSON,

F. KYLE,

J. R. COLE.

On motion of Mr. Grothaus, the report of the committee was adopted and the petition laid on the table.

COMMITTEE ROOM,
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Privileges and Elections, to whom was referred House bill No. 608, to be entitled "An act to amend the seventh section of 'an act to provide for the mode and manner of conducting elections, making returns and for the protection of the ballot box,' approved August 15, 1870," having carefully consi-

dered the same, beg leave to report it back and recommend its passage.

Respectfully,

C. D. HARN, Chairman,
W. J. LOCKE.

Dissenting:

J. SCHUTZE,
ROBERTSON,
KYLE,
J. H. MORRISON,
COTTON,
COLE.

On motion of Mr. Evans, House bill No. 608 was laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Privileges and Elections, to whom was referred House bill No. 609, to be entitled "An act providing for the election of members of Congress for the State of Texas," having had the same under consideration, respectfully report it back, recommending its passage with the following amendment, to-wit: Amend section one by striking out the words "first Tuesday after the first Monday in August, A. D. 1871," and inserting in lieu thereof the following: "First Tuesday in November, A. D. 1872.

Respectfully,

C. D. HARN, Chairman,
W. J. LOCKE,
J. SCHUTZE,
A. D. TINSLEY,
ROBERTSON,
KYLE,
COTTON,
GEORGE,
J. R. COLE.

On motion of Mr. Franks, the amendment recommended by the committee was laid on the table, taking with it House bill No. 609.

By unanimous consent Mr. Franks, chairman of the select committee to take into consideration the reduction of fees of district attorneys, submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The special committee, to whom was referred a motion with

instructions to take into consideration the reduction of fees of district attorneys, have carefully investigated the same and recommend the passage of a bill herewith returned.

Respectfully,

FRANKS, Chairman,
PUTNAM,
PIERSON,
J. W. ROBERTSON,
F. E. GROTHAUS.

The bill reported by the committee (House bill No. 954) to be entitled "An act to amend 'an act to provide for the salary and fees of district attorneys,' approved August 11, 1870," was read the first time.

On motion of Mr. Grothaus, the rules were suspended, and House bill No. 954 was read the second time.

On motion of Mr. Grothaus, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 954 ordered to be engrossed and passed to its third reading.

On motion of Mr. Grothaus, the rules were further suspended, and House bill No. 954 read the third time, passed and its title agreed to.

By unanimous consent, Mr. Franks introduced a bill (House bill No. 955) to be entitled "An act to amend section five of 'an act to provide for the salary and fees of district attorneys,' approved August 11, 1870," which was read the first time.

On motion of Mr. Franks the rules were suspended, and House bill No. 955 read the second time.

On motion of Mr. Jenkins the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 955 ordered to be engrossed and passed to its third reading.

On motion of Mr. Jenkins, the rules were further suspended, House bill No. 955 read the third time, passed, and its title agreed to.

On motion of Mr. Franks, the rules were suspended to take up Senate bills on their first reading.

Senate bill No. 505, to be entitled "An act to incorporate the Galveston Paving Company," was read the first time.

Senate bill No. 517, to be entitled "An act to incorporate the Cherokee Mining Company," was read the first time.

Senate bill No. 576, to be entitled "An act to amend the fifth and thirty-second sections of an act entitled 'an act to give effect to the

several provisions of the Constitution concerning taxes,' approved April 22, 1871," was read the first time.

On motion of Mr. Chambers, the rules were suspended and Senate bill No. 576 was read the second time.

Mr. Chambers moved a suspension of the rule requiring all bills on their second reading to be referred to committees, in this case. Lost.

Senate bill No. 576 was referred to the Committee on Finance.

Senate joint resolution No. 46, "Prescribing the duties of the Inspector of the State Penitentiary," was read the first time.

Mr. Robertson moved a suspension of the rules to take up Senate bills on their second reading, upon which motion the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Bonner, Camp, Cole, Cotton, Davis, Dupree, Ellis, Franks, Gant, Gardiner, George, Hamilton, Haswell, Jenkins, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Shoemaker, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin—54.

Nays—Messrs. Booty, Chambers, Dorris, Elam, Evans, Gaston, Jones, Locke, Patten, Putnam, Rainey, Self, Smyth, Zapp, Zoeller—15.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. Robertson moved a suspension of the rules to take up Senate bill No. 554, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Camp, Cole, Cotton, Davis, Dupree, Ellis, Gardiner, George, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—57.

Nays—Messrs. Abbott of Hill, Booty, Chambers, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Jones, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—19.

So the rules were suspended.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report.

COMMITTEE ROOM,
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined and find correctly enrolled the following House bills, to-wit: No. 177, "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns and for the protection and purity of the ballot box,' approved August 15, 1870;" No. 273, "An act making an appropriation for printing five hundred copies of the rules reported for the Supreme and District Courts, and five hundred copies of the circular letter of the clerk of the Supreme Court:" No. 817, "An act authorizing and requiring the Commissioner of the General Land Office to issue patent upon certificate No. 169 to the heirs or assignees of John Pate;" No. 833, "An act to incorporate the Round Mountain Educational Company of Blanco county;" No. 798, "An act to incorporate the Victoria Society of Washington county;" No. 730, "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditures of moneys arising from the same."

Respectfully,

G. T. HASWELL, Chairman,
GROTHAUS,
SHOEMAKER,
POSEY.

Report accepted.

Senate bill No. 554 was then read the second time.

Mr. Plumley moved a suspension of the rule requiring all bills on their second reading to be referred to committees, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dupree, Ellis, Gardiner, George, Hamilton, Harn, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—57.

H J—41

Nays---Messrs. Booty, Chambers, Dorris, Elam, Evans, Franks, Gant, Gaston, Jones, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—18.

So the rule was suspended.

A message was received from the Senate returning House bills Nos. 99 and 940, which the Senate had passed without amendment.

Mr. Gant moved to amend as follows: Strike out all after the word "to," in section one, line twenty, and insert "loan, and does hereby loan, to the Southern Pacific Railroad Company, and to the Southern Trans-Continental Railway Company, heretofore chartered by the Legislature of the State of Texas, the bonds of the State of Texas to the amount of fifteen thousand dollars to the mile."

Mr. Evans moved to amend the amendment by striking out "fifteen" and inserting in lieu thereof "ten."

Mr. Booty moved to lay the amendment on the table. Lost.

The question recurring on the adoption of the amendment to the amendment, the yeas and nays were called for and resulted as follows:

Yeas---Messrs. Booty, Chambers, Dorris, Elam, Evans, Gaston, Grothaus, Jones, Kyle, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—18.

Nays---Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dupree, Ellis, Franks, Gant, Gardiner, George, Hamilton, Harn, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Lorance, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegenar, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—60.

So the House refused to adopt the amendment to the amendment.

The question recurring on the adoption of the amendment offered by Mr. Gant, it was lost.

Mr. Grothaus moved to amend by striking out "\$6,000,000" and insert in lieu thereof "any money now in the the Treasury not otherwise appropriated." Lost.

The following communication from the Adjutant General and Chief of Police, General James Davidson, was received and read:

REPORT OF ADJUTANT GENERAL.

HEADQUARTERS STATE OF TEXAS, }
OFFICE OF ADJT. GEN. AND CHIEF OF POLICE, }
Austin, Texas Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: In obedience to resolution passed by House of Representatives, under date of November 21, 1871: "That the Adjutant General of the State of Texas be requested to furnish this House with the amount of taxes collected in Limestone and Freestone counties during the existence of martial law, and that he cause the disbursing officer to render a report of all moneys received and disbursed by him, and report to this House on Friday, twenty-fourth November, 1871," I have the honor herewith to transmit:

1. Return, showing the names of persons who have paid tax in Limestone and Freestone counties during martial law, together with amount paid by each, transcribed from records furnished this office by Major W. H. Griffin, collecting officer. (Marked "A.")

2. Abstract of disbursements on account of martial law in Limestone and Freestone counties. (Marked "B.")

3. Account current of same. (Marked "C.")

4. Letter of transmittal from paymaster, Alfred D. Evans, transmitting abstract and account current, before mentioned. (Marked "D.")

No record has been furnished this department of "forced sales," made by direction of the military commander in Limestone and Freestone counties, but the proper officer has been communicated with on the subject.

I am, sir, very respectfully, your obedient servant,

JAMES DAVIDSON,
Adjutant General of Texas.

[A.]

RETURN SHOWING THE NAMES OF CITIZENS WHO HAVE PAID TAX
IN LIMESTONE COUNTY DURING MARTIAL LAW, AND AMOUNT
THEREOF.

1. E B Stock.....	\$15 00	38. Abe Swartz.....	\$150 00
2. Chas Langmer..	12 00	39. H A McDonald.	184 50
3. B Meyer.....	13 50	40. M C Stallworth.	11 10
4. George Stroube.	9 00	41. Welch & Davis.	24 00
5. R A Reys.....	5 25	42. J C Welch	18 00
6. John Arto.....	22 00	43. J J Lewis.....	87 00
7. S H Randleman.	70 50	44. Ben Usrey.....	24 60
8. G M Estes.....	5 40	45. Martha Johnson.	22 50
9. M A Walder.....	60 00	46. Wm Wright....	15 00
10. Sedgwick & El-		47. N H Jackson...	45 60
liott	7 80	48. J Tompkins....	30 00
11. W J F Sedgwick	7 80	49. G W Turner....	6 00
12. J W Wilson....	4 80	50. H A Henderson.	4 50
13. W P Hall.....	4 05	51. A Brohn.....	21 00
14. J H Powell....	21 00	52. W Harkey.....	4 50
15. R B Barrell....	12 30	53. Hemp Ash.....	39 00
16. Obi Cox.....	3 00	54. Davis & Bro...	74 76
17. Isaac Wright...	9 90	55. A M Perry & Co	14 75
18. J S Bray.....	34 86	56. J L Leonard & Co	18 00
19. J H Henson.....	38 25	57. J L Leonard....	7 50
20. M Donaho.....	3 90	58. F C J Leiberman	36 75
21. W A Bates.....	5 40	59. John Adams....	86 60
22. C L Miller.....	3 00	60. H M Munger...	6 00
23. J Blume.	6 00	61. J W McDonald..	5 85
24. C Jacobs	45 00	62. J A Tidwell....	6 60
25. R W Donnell...	\$9 50	63. B A Ginn.....	36 83
26. Lee, Mix & Co..	159 09	64. Sanger Bros....	490 56
27. W G Randle & Co	300 00	65. Block Bros & Co	625 50
28. J P Filkins....	30 00	66. Verginius Block.	24 75
29. Cerf Bros.....	249 00	67. S B Anglin.....	14 31
30. Aldrich & Allen	286 00	68. Anglin & Co...	60 00
31. J F Lewis	39 00	69. S K Anglin....	14 70
32. J M Lindley....	105 00	70. Griggs & Rich-	
33. H C Hoskins & Co	129 75	ardson.....	150 00
34. J Huey.....	180 00	71. J H Bowen.....	39 15
35. W A Rogers....	123 60	72. William Bowen..	33 18
36. F F Collins.....	150 00	73. C J Bowen.....	29 46
37. B Haber.....	90 00	74. A Zadek, jr....	22 50

[A.—Continued.]

75. B Shevlen.....	\$3 00	115. J M Love.....	\$285 05
76. Jacob Shroendi- man.....	5 50	116. M N Frank....	6 00
77. C H Greer.....	15 00	117. Burck & Mason.	9 00
78. Stegall & Co....	67 92	118. R S Lumpkin...	9 00
79. H Stegall.....	22 55	119. S B Anglin (Par- ker House)....	30 00
80. F W Curruthers.	31 75	120. A A Burck.	15 00
81. Block & King...	6 00	121. G Rintleman....	7 50
82. August Fouche..	6 00	122. Z H Faulkenburg	6 57
83. F Figans	12 00	123. C G Andrews...	8 25
84. Charles Turner..	12 30	124. John Fogarty...	96 00
85. R Allen.....	33 00	125. J P Alford.....	20 76
86. Bates Bros.....	67 10	126. N W Alford....	98 34
87. G W Franklin..	33 00	127. J L Alford.....	58 35
88. S H Mulkey... 109 25		128. F M Jackson ...	15 60
89. W B Stockton..	17 70	129. J W Jackson.....	204 00
90. T L Dabbs.....	1 50	130. Thomas Vincent.	23 40
91. J H Littlefield & co	12 50	131. T F Waller.....	154 00
92. W D McGonagil	3 90	132. C S Bowden....	22 80
93. W H Smith....	8 25	133. Mrs. N C Biggs.	211 95
94. G P French & Co	135 00	134. W A J Biggs...	9 00
95. Pigg Bros.....	90	135. M C Paine.....	33 90
96. Jame Pigg.....	15	136. J H M Bay, Sr.	66 00
97. C W Herod....	3 18	137. R Weely... ..	10 00
98. Wm Briscoe....	7 80	138. W J Weely.	30 00
99. Thomas Briscoe.	3 00	139. J W Oaks.....	5 00
100. J D Rankin....	4 50	140. J M Oaks.	5 00
101. Mrs. S A Sharp.	20 91	141. J C Oaks... coin {	25 22
102. A Sharp.....	83 58	c'ncy }	22 00
103. A Zadek, Sr....	75 00	142. G A Opray.	1 58
104. Alfred B Smith.	6 00	143. L R Persons....	20 00
105. C F McGuire...	7 20	144. Channel Persons.	9 03
106. W W Orr.	102 00	145. Pelton, A.... ..	5 00
107. F Hasser & Co..	12 00	146. Plummer, J T...	1 30
108. H J Howell....	33 00	147. Reeves, J H....	40 00
109. J L Burney, Sr.	114 30	148. Reeves, W J....	69 50
110. W H McClellan.	6 00	149. Rambo & Glass	
111. Igbhart & Leon- ard.....	22 50	coin {	3 00
112. J C Yarbrow....	60	c'ncy }	70 00
113. Chas. Kreter....	5 00	150. A J Rogers.....	30 00
114. E Parr	5 40	151. M C Rogers.	15 00
		152. W L Sikes	9 30

[A.—Continued.]

153. Wm Simes	\$3 48	191. W R Kennedy }	\$ 50
154. Wiley Simes	10 00		3 00
155. E Sommert	90 00	192. T J Kennedy . . .	13 50
156. R W Swain	37 62	193. W D Lanning . . .	20 19
157. R H Swain	5 07	194. J W Little	33 00
158. A M Swain	1 50	195. B F Martin . . .	9 00
159. J B Stephens . . .	29 30	196. J E Morton	17 12
160. B C Stephens . . .	4 88	197. R B McAlpin . . .	8 55
161. T Self	8 65	198. Boyd & Campbell	6 72
162. W S Tucker	10 00	198½. C S Bates	22 55
163. J Sharp	16 00	199. N C M Aberna-	
164. J C Wayland . . .	72 00	they	41 04
165. W C Wayland . .	5 50	200. W C Anderson . .	42 30
166. H G Barber	1 50	201. L Binson	50 40
167. R W Bramlett . .	3 00	202. W A Boyd	117 18
168. H Batty	6 27	203. A Barry	148 44
	10 00	204. John Boyd	320 91
169. M W Bates	2 11	205. W P Brown	14 10
170. John Bullock . . .	66	206. T Bennett	39 60
171. T Chilcoth	1 87	207. J T Bennett	153 63
172. W F Craig	17 21	208. Thos Bolton	1 85
173. J Corbin	4 75	209. W A Brown	4 88
174. W T Chase	2 60	210. B S Coody	68 34
175. William Carroll . .	1 58	211. B S Campbell . .	101 40
176. V A Dunkin	7 00	212. A F Corran	41 37
177. J C Furgerson . .	10 00	213. J M Cook	164 10
178. J E Furgerson . .	80	214. R H Coody	3 30
179. M C Fuller	2 60	215. Isaac Durst	46 29
180. B Galbreth	19 14	216. J M T Evans	4 50
	5 00	217. W O Farrington . .	30 00
181. Thos A Germany	28 50	218. R G Fair	25 50
182. J F Glass	20 00	219. Ferris & Lippard	75 00
183. F T Hansley	3 00	220. C J Hancock	33 60
184. J R Harderson . .	7 90	221. L R Hancock . . .	27 00
185. W E Hooper	2 25	222. Mrs P Henderson	52 68
186. W H Herring . . .	2 40	223. James Hendricks	3 45
187. O Justin	21 98	224. Wm Hancock . . .	35 34
	10 00	225. M S House	6 00
188. William Justin . .	6 60	226. M D Hopkins . . .	6 00
189. J L Johnson . . .	4 50	227. John R Henry . .	571 10
	40 00	228. L R Hancock . . .	6 00
190. James Kennedy . .	10 00	229. James Huston . .	6 00

[A.—Continued.]

230. J W Hurley....	\$57 00	270. Joseph Lindley..	\$118 64
231. A R T Holt....	36 45	271. S T Lindley....	83 02
232. Mrs M A Johnson	34 38	272. James Lindley..	115 20
233. J G Jackson ..	66 90	273. S J Foster.....	49 50
234. B W Jackson....	133 65	274. W H Powell....	53 88
235. J T Jones.....	16 50	275. L B Pendergast.	76 66
236. Kemp & McCain	71 40	276. Stevens & Brown	399 39
237. J J Kerley....	112 20	277. J W Stevens....	66 93
238. Kerley & Daniels	54 00	278. S R Scruggs....	20 25
239. R Long.....	321 90	279. A Steel.....	50 00
240. Robt Looney....	22 89	280. L A Stroud.....	541 00
241. W P Looney....	4 62	281. T W & R H	
242. John Miller....	13 50	Wade.....	95 62
243. F M McKenzil..	43 77	282. T W Wade. ...	90 00
244. J H McLain....	4 50	283. Jonkers.....	69 92
245. S T McPlummer	86 70	284. Wm Phifer.....	15 60
246. D M Pendergrast	319 35	284½. M C Tucker...	220 00
247. J B Pollock....	33 90	285. H W Clark.....	8 85
248. H R Quinnby..	128 50	286. S H Caroe	9 00
248½. Mrs M Raynolds	138 00	287. M E Cobb.....	160 00
249. Joseph Ross....	36 00	288. W S Crowell....	17 70
250. H M Roberts...	54 57	289. M J Lowery....	27 27
251. E P Smyth....	285 00	290. David Lynch....	4 05
252. R Steel	81 00	291. M L Jackson....	31 50
253. W P Stuart....	44 38	292. W J Mosley....	17 55
254. W M Sikes.....	29 10	293. Morley & Mosley	51 00
255. J B & B R Tyns	252 75	294. A D Caloin	5 25
255½. Nelvill, J. ...	51 02	295. E Brown.....	66 57
256. Tyns & Co....	291 00	296. J P Harper.....	28 83
257. S J Weaver....	24 45	297. W T Robinson ..	3 00
258. J H Wright....	101 49	298. J W McDaniel..	64 65
259. J E Wood.....	44 70	299. M O Furgerson.	4 55
260. J K Wood.....	75 24	300. M Williams	54 00
261. Geo. Wood.....	30 56	301. H T Hart.....	9 78
262. Joseph Wood....	32 54	302. W R, J W & G	
263. W R Wolverton.	56 03	G Howard....	60 75
264. John Wolverton.	68 34	303. A P Rogers	39 90
265. Mark Wolverton.	172 44	304. B F. Outzs	97 50
266. T W Wells.....	37 68	305. E M Gentry....	105 90
167. S S Walker	95 37	306. Joe Hofley.....	4 50
268. J S. Carruthers..	100 00	307. W S Mosley....	6 00
269. L Daniels.....	4 50	308. Witney Rogers..	60 60

[A.—Continued.]

309. R A Williams...	\$5 25	350. F M Durham...	\$35 82
310. Peter F Jones...	12 54	351. A J Floyd	12 30
311. W W Thurman..	10 65	352. C W McKinley..	37 45
312. D Burns.....	47 70	353. C C Baker.....	12 75
313. C L & Garbor Glasford.....	49 05	354. C Hodges.....	21 51
314. A W McDaniel .	31 50	355. A J Sodus.....	61 25
315. W S Watts.....	28 26	356. W P Stevenson	22 26
316. D C Glasford...	7 74	357. J W H & W H McKissack ...	208 03
317. R L Johnson...	2 55	358. L C Irwin.....	13 50
318. J C Johnson....	40 65	359. L C Irwin.....	1 35
319. Robert Harper..	60 45	360. A J Soders....	40 00
320. W F F Uspin...	1 20	361. B F Hammond..	30 00
321. W H Gaff.....	5 31	362. James Roark...	31 50
322. John Todd.....	41 52	363. Mrs M Roark...	30 00
323. John Choat.....	21 48	364. James Armour..	88 50
324. L C Arlidge....	12 90	365. J W Swanford..	35 35
325. B F Tribb.....	51 19	366. B B Sanders...	50 00
326. E Z Kidd.....	11 46	367. M W Kemp....	3 00
327. A Markham....	186 80	368. John F Allen...	133 94
328. B F Burns.....	145 20	369. P Hawkins.....	19 00
329. W H Furgerson.	20 70	370. G T Cotton....	1 50
330. Mrs L Parsons...	31 59	371. Radeck Williams	1 20
331. Webb Kidd.....	99 81	372. Mack Barton...	3 60
332. G W Young....	15 60	373. G E Bruton....	45
333. L J Erwin.	72 90	374. Reuben Lynch~	5 07
334. L J Erwin.....	7 29	375. Berry Baker...	15 30
335. A F Morse.....	183 78	376. Ephraim Ramsey	4 80
336. Nancy J Morse..	66 66	377. Robert Simpson.	1 95
337. M H Lowery...	11 01	378. H L Moses.....	18 45
338. W N Lowery...	4 05	379. A B Poer.....	45
339. J H Price.....	61 20	380. Cyrus Vandeaves	39 90
340. H Bryant.....	76 80	381. Dabney & West.	120 00
341. J A Hill.....	3 00	382. D H & N E Dab- ney.....	93 90
342. John M Clark ..	42 30	383. D H Dabney...	16 20
343. J C Ginn.....	4 80	384. N E Dabney...	61 60
344. A H Bradfute ..	50 99	385. S A Cobb.....	45 00
345. W B Bradfute ..	2 58	386. A A Waddill...	20 55
346. B F Bradfute...	8 25	387. R H Faroler....	21 15
347. D B Choat.....	37 93	388. W P Hughes...	72 87
348. D O Choat.....	3 90	389. Bryan Herring..	27 63
349. W M Choat	9 60		

[A.—Continued.]

390. D R Harnell...	\$2 73	426. J D Stovall....	\$90 60
391. Wm Williams...	38 64	427. G W Crist...	224 01
392. D O Cain.....	7 05	428. Mrs M A Hughes	41 55
393. T D Elliot.....	16 23	429. G W Crist, guar-	
394. D G Hardin.....	3 75	dian.....	21 00
395. L E Pratt.....	10 17	430. Stephen Crist, jr	17 70
396. James Roberts..	1 50	431. B F Wallace...	14 97
397. E J Billington..	62 10	432. G W Crist.....	32 94
398. E J Billington,		433. Benj Crist...	108 18
agent of Nancy		434. Pitts & Harwell.	36 00
M Billington..	25 56	435. Solomon Ruyle.	188 25
399. J T Strather...	2 73	436. Robt Havell....	17 55
400. Charles Darkum	4 50	437. W A Davis.....	84 96
401. G N Halloway..	33 84	438. H Clark.....	95 22
402. W S Oats.....	42 60	439. W R Shead....	99 42
403. H R Morris....	32 58	440. A B Willie.....	31 92
404. G W Morris....	31 05	441. C B Shead.....	80 34
405. G J Dyer.....	39 63	442. W H De Long..	53 16
406. W S Hillyer...	6 45	443. Jackson Albright	9 96
407. Hardy Jones...	15 60	444. J C Costy.....	49 71
408. Elizabeth Hollo-		445. V S Costy.....	57 27
way... ..	138 03	446. S S Ralls.....	60 03
409. H L Herring...	2 82	447. George Bennett.	32 85
410. W H McElroy..	3 00	448. G F Parker, tax, }	51 96
411. J R Herring...	3 51	penalty & cost }	5 19
412. John Archer....	1 41	449. Jos Singleterry.	3 96
413. K Leathers	18 00	450. R P Ward, tax. }	66 90
414. D G Billington.	38 40	penalty & cost }	6 69
415. S F Dellis.....	6 45	451. S B Brewer....	32 10
416. W W Billington	2 31	452. Scott Hamilton..	3 15
417. P Kimmel.....	12 36	453. N Y Lacy, tax. }	148 53
418. J S Kimmel....	65 70	penalty & cost }	14 85
419. F M Pitts.....	188 31	454. Amount paid A D	
420. E Bryan.....	59 67	Evans, not ac-	
421. E R Bryan....	63 54	counted for on	
422. Mrs E P Graves	53 73	these books,	
423. R Crist.....	62 37	memorandum	
424. S L J Chaffin..	103 56	lost.....	33 63
425. Daniel Crist....	111 45	455. A L Steele.....	23 28.

A true copy, from original on file in this office.

JAMES DAVIDSON,
Adjutant General of Texas.

[B.]

ABSTRACT OF DISBURSEMENT ON ACCOUNT OF MARTIAL LAW IN FREESTONE AND LIMESTONE COUNTIES,
STATE OF TEXAS.

To whom paid.	Rank.	On what account.	Amount.	
A. G. Malloy	Major General	Pay, etc., Oct. 9 to Nov. 13 ..	\$ 901 82	\$901 82
G. W. Smith	Colonel	Pay, etc., Oct. 10 to Oct. 31 ..	301 00	
Do	do	Pay, etc., Nov. 1 to Nov. 15 .	206 50	
Do	do	Forage, etc	11 33	527 83
John N. Shafter	Major	Pay, etc., Oct. 10 to Nov. 10 ..	367 31	367 31
Stanley Welch	do	Pay, etc., Oct. 10 to Nov. 15 ..	464 75	
Do	do	Subsistence and forage	62 40	527 15
W. H. Griffin	do	Pay, etc., Oct. 10 to Nov. 18 ..	456 89	
Do	do	Traveling expenses	9 00	465 89
J. W. Dickenson	Major and J. Adv	Pay, etc		289 93
A. D. Evans	Major and Paymaster	do	208 20	
Do	do	do	196 86	
Do	do	Traveling expenses	45 42	450 48
Leonidas Greenleaf	Capt. and Paymaster	Pay, etc., Oct. 9 to Nov. 13 ..	175 00	
Do	do	Traveling expenses	4 25	179 25
J. H. Roberts	Major and A. A. G.	Pay, etc., Oct. 9 to Oct. 31 ..	236 21	
Do	do	Pay, etc., Nov. 1 to Nov. 13 ..	133 55	

J. H. Roberts	Major and A. A. G.	Forage	82 63	
Do	do	Subsistence for detachment	62 40	
Do	do	Tolls for horse and ambulance	26 50	
Do	do	Traveling expenses	43 50	584 79
C. H. Welch	First Lieut. and Q. M.	Services, Oct. 9 to Nov. 23	179 16	
Do	do	Mess stores (Lieut. C. M. C. Alexander's detachment)	32 30	211 46
Horace Welch		Ordinance and ordinance stores	1,688 25	
Do		Subsistence stores	1,782 73	
Do		Stationery	14 55	
Do		Blacksmithing, etc	78 40	
Do		Transportation	947 00	
Do		do	112 50	
Do		Clothing, camp and G. equipage	1,972 00	
Do		Subsistence stores	241 32	
Do		Transportation	110 00	
Do		Fuel	80 00	
Do		Transportation	75 00	
Do		Forage	259 94	
Do		do	923 65	8,285 34
Capt. J. Snowball's Co.	Pay roll	Services		446 41
Col. A. B. Hall	do	do		110 50
Capt. J. D. Woods	do	do		1,624 66
Do	Captain	Rations	176 40	
Do	do	Forage	190 40	366 80
Capt. S. G. William's company	Pay roll	Services	1,060 73	

[B.—Continued.]

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To whom paid.	Rank.	On what account.	Amount.	
Capt. S. G. William's detachment	do	do	\$403 50	\$1,464 23
Lt. J. C. Fisher's Co.	do	do		1,227 80
A. M. Gregory	Captain	Pay, etc.		75 00
L. H. Schubert	First Lt. and A. D. C.	Pay, Oct. 9 to Nov. 23	229 66	
Do	do	Subsistence and forage	19 50	249 16
John W. Irwin	Clerk Mil. Comm.	Services	25 00	
Do	do	do	175 00	200 00
J. H. Johnson	Second Lieutenant	do		116 66
T. A. Hendricks	Q. M. Sergt.	do		36 00
James Houston	A. A. Surg.	do		73 33
James H. Moore	Guide	do		20 00
W. J. Yarborough	Jailor	do		33 00
J. G. Filkins	do	Forage and transportation		40 50
Sandy Blocker	do	Fuel		24 00
Mix, Rons & Co.	do	Subsistence stores	96 53	
Do	do	do	31 67	
Do	do	do	26 52	154 72
J Huey	do	Hardware		69 75
Chas Landrean & J W Innes	do	Subsistence stores		20 00

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J K Gray.....	Water.....	42 50
Loshbrough Bros.....	Horse shoes.....	41 00
E Krohn.....	Subsistence stores.....	17 80
Block Bros & Co.....	do do.....	53 56
Do.....	Q. M. stores.....	2 50
J M Cook.....	Ferriage.....	189 30
Robt Hackett.....	Hauling.....	58 50
W B Bonner.....	Stationery.....	14 50
Wm Umdenstock.....	Clothing.....	895 25
Do.....	Forage.....	512 00
Do.....	Shoeing horses.....	119 00
Do.....	Subsistence stores.....	106 20
J J Kerley.....	Subsistence stores.....	1,632 45
S S Walker.....	Over assessment.....	289 35
Js M Love.....	do do.....	33 00
J Huston.....	Making haversacks.....	28 55
D Huston.....	Rent of quarters.....	3 75
Do.....	Travelling expenses.....	59 25
W W Orr.....	Forage, equipments, etc.....	84 00
C M C Alexander.....	Traveling expenses.....	143 25
J H Sikes.....	Forage.....	291 50
John Wolverton.....	Forage.....	20 00
Stephens & Brown.....	do.....	20 16
M P Smith.....	Supplies.....	25 20
A Zadick.....	do.....	28 00
D D Cooper.....	do.....	60 00
H C Haskins & Co.....	do (Medical).....	50 50
		3 85
		6 25

[B.—Continued.]

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To whom paid.	Rank.	On what account.	Amount.	
P J Kanen.....		Repairing arms.....		\$10 00
N H Jackson.....		Supplies.....		14 00
G W Franklin.....		do.....	3 76	
Do.....		do.....	42 33	46 09
H A McDonald.....		Supplies.....	.....	7 75
J McKenzie.....		do.....	.....	13 00
A A McClellan.....		do.....	.....	15 00
E H Prince.....		do.....	.....	13 75
F F Collins.....		do.....	.....	7 75
A A Burke.....		Stationery.....	14 75	
Do.....		do.....	17 27	32 02
R W Donnell.....		Supplies	16 88	
Do.....		do.....	32 39	49 27
Western Union Tel. Co.		Telegram.....	24 70	
Do.....		do.....	52 40	77 10
H L Slayton.....		Service.....	.....	48 00
M C Tucker.....		Transportation.....	.....	220 00
J F Pells.....		Services.....	.....	145 24
E C Smith.....		do.....	.....	65 00
Total.....				\$22,963 15

[B.—Concluded.]

I certify that the foregoing abstract is correct, and that the disbursements have been faithfully made.

ALFRED D. EVANS,
Major and Paymaster.

[C.]

ACCOUNT CURRENT OF FUNDS COLLECTED AND DISBURSED DURING
MARTIAL LAW IN FREESTONE AND LIMESTONE COUNTIES TEXAS.

To disbursements as per abstract.....	\$22,963 15
Balance on hand.....	744 18

\$23,707 33

By amount of funds collected.....	\$23,707 33
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I certify that the above account current is correct; that it exhibits a true statement of all the taxes collected and that the disbursements have been faithfully made.

ALFRED D. EVANS,
Mayor and Paymaster.

[D.]

OFFICE PAYMASTER, STATE OF TEXAS, }
Austin, Texas, November 22, 1871. }

General JAMES DAVIDSON,

Adjutant General, State of Texas :

SIR: I have the honor to transmit herewith account current and abstract of disbursements pertaining to martial law in Freestone and Limestone counties. I would further add that the unsettled claims will nearly, if not fully, cover the balance cash on hand.

Very respectfully, your obedient servant,

ALFRED D. EVANS,
Major and Paymaster.

Mr. Self moved to amend Senate bill No. 554 as follows :
Amend section one, line sixty, after the words "Paris, in Lamar county," and before the words "to the point of junction" by in-

serting "and the city of Sherman, in Grayson county, and the town of Denton, in Denton county."

Upon which motion the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Austin, Booty, Bonner, Chambers, Cole, Dorris, Elam, Evans, Gant, George, Grothaus, Haswell, Jones, Kyle, Lane, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—24.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, Hamilton, Harn, Jenkins, Johnson, Kendall, Lacy, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—53.

So the House refused to adopt the amendment.

11 o'clock A. M.

SPECIAL ORDER,

Viz: The report of the Finance Committee on House bill No. 928.

On motion of Mr. Robertson, the consideration of House bill No. 928 was postponed until to-morrow at 10:30 o'clock A. M.

Mr. Booty moved to amend Senate bill No. 554 by adding the following proviso: "*Provided*, that no part of the subsidy herein granted shall be paid until at the next general election the people shall have approved said subsidy by a majority of their votes."

Upon which motion the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Booty, Chambers, Dorris, Elam, Evans, Gant, Gaston, Jones, Kyle, Lacy, Locke, Miller, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—20.

Nays—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Wea-

ver, Williams of Colorado, Williams of Walker, York, Young, Youngkin--57.

So the amendment was lost.

Mr. Self moved to amend section one, line seventy-six, by inserting after the word "Jefferson" "*and provided*, the said Trans-Continental Railway Company shall construct its road to the point of junction as rapidly as the Southern Pacific Railroad Company, and neither of said companies shall receive the benefits of this grant in advance of the other."

Mr. Evans moved to amend the amendment by adding after the words "Trans-Continental" the words "which shall hereafter be known as the Ox-bow." Lost.

The question then recurring on the adoption of the amendment offered by Mr. Self, the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Hill, Chambers, Cole, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Jones, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—19.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin--59.

So the House refused to adopt the amendment.

Mr. B. F. Williams moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Harn, Johnson, Kendall, Lane, Lorange, Lyons, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Posey, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Spencer, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, York, Young, Youngkin---46.

Nays—Messrs. Booty, Chambers, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Hamilton, Haswell, Jenkins, Jones, Kyle, Lacy, Leonard, Locke, McKee of Guadalupe, Miller, Pierson, Plumley,

Polly, Putnam, Rainey, Robertson, Self, Simmons, Slaughter, Smyth, Tinsley, Williams of Walker, Zapp, Zoeller—30.

So the main question was ordered.

The main question being on ordering Senate bill No. 554 to its third reading,

The yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—58.

Nays—Messrs. Abbott of Hill, Booty, Chambers, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Jones, Kyle, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—20.

So Senate bill No. 554 was ordered to its third reading.

Mr. Youngkin, chairman of the Committee on Printing and Contingent Expenses, submitted the following reports:

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Printing and Contingent Expenses, to whom was referred House bill No. 329, to be entitled "An act to incorporate the Union Publishing Company of Texas," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

H. C. YOUNGKIN, Chairman,
W. W. DAVIS,
J. J. HAMILTON,
ROBERT ZAPP,
H. R. ALLEN,
B. F. WILLIAMS,
JOHN POLLY,
W. B. STIRMAN.

On motion of Mr. Youngkin, the report was adopted and House bill No. 329 laid on the table.

The Chief Clerk was dispatched to the Senate, returning Senate bills Nos. 513 and 515, which had been passed by the House without amendment.

Also, transmitting for the signature of the President enrolled House bills Nos. 817, 177, 293, 833, 798 and 730, which were signed and returned to the House.

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Printing and Contingent Expenses, to whom was referred House bill No. 708, to be entitled "An act making an appropriation for postage stamps," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

H. C. YOUNGKIN, Chairman,
T. J. CHAMBERS,
W. W. DAVIS,
J. J. HAMILTON,
ROBERT ZAPP,
H. R. ALLEN,
B. F. WILLIAMS,
JOHN POLLY,
W. B. STIRMAN.

On motion of Mr. Youngkin, the report of the committee was adopted, and House bill No. 708 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Printing and Contingent Expenses, to whom was referred House bill No. 345, to be entitled "An act to repeal certain sections of an act approved August 13, 1870, entitled 'an act regulating public printing,' " having carefully considered the same, beg leave to report back, and recommend that it be laid on the table, a bill similar to the above having already been acted upon by the House.

Respectfully,

H. C. YOUNGKIN, Chairman,
T. J. CHAMBERS,
W. W. DAVIS,
J. J. HAMILTON,
R. ZAPP,
H. R. ALLEN,
B. F. WILLIAMS,
W. B. STIRMAN,
J. POLLY.

On motion of Mr. Youngkin, the report was adopted, and House bill No. 345 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Printing and Contingent Expenses, to whom was referred Senate bill No. 515, to be entitled "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas," having carefully considered the same, beg leave to report back and recommend its passage with the following amendments, to-wit: In section one, strike out in line three "twenty thousand," and insert in lieu thereof "ten thousand;" in line twelve strike out "thirteen thousand" and insert "six thousand," in line fourteen strike out "seven thousand" and insert "four thousand."

Respectfully,

H. C. YOUNGKIN, Chairman,
JOHN POLLY,
W. B. STIRMAN,
B. F. WILLIAMS,
T. J. CHAMBERS,
W. W. DAVIS,
R. ZAPP,
J. J. HAMILTON,
H. R. ALLEN.

The House refused to adopt the amendments recommended by the committee.

On motion of Mr. Franks, the rule requiring all bills making appropriations to be considered in a Committee of the Whole was suspended in this case, and Senate bill No. 515 ordered to its third reading, read the third time and passed by the following vote:

Yeas---Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Camp, Cotton, Dorris, Franks, Gardiner, George, Grothaus, Hamilton, Haswell, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller---42.

Nays---Messrs. Austin, Booty, Bonner, Chambers, Davis, Elam, Ellis, Evans, Gant, Gaston, Harn, Jenkins, Kyle, Lane, Leonard, McLean, Miller, Pierson, Polly, Putnam, Rainey, Ross, Shelburne, Simmons, Smyth, Stirman, Weaver---27.

The title of the bill was agreed to.

Mr. Plumley moved a suspension of the rules to take up out of its regular order Senate bill No. 554.

Mr. Plumley moved a call of the House. Call sustained.

Absent, not excused—Messrs. Jo. Abbott, McLean and Robb.

On motion of Mr. Plumley, the call of the House was suspended.

Mr. Zapp moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

The question recurring on the motion of Mr. Plumley to suspend the rules to take up Senate bill No. 554, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—58.

Nays—Messrs. Booty, Chambers, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Jones, Kyle, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—19.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

On motion of Mr. Franks, the rules were suspended to take from the Speaker's table the veto messages of the Governor.

The veto message of the Governor returning House bill No. 337, to be entitled "An act to regulate proceedings in the district courts of the State of Texas," was then read.

The question then being, "Will the House on reconsideration agree to pass the bill?" the House refused to pass the same by the following vote:

Yeas—Messrs. Bonner, Chambers, Ellis, Franks, George, Jenkins, Jones, Johnson, Kyle, Lacy, Leonard, McLean, Miller, Pierson, Plumley, Putnam, Robertson, Sheriff, Simmons, Slaughter, Smyth, Stirman, Weaver, Young—24.

Nays—Messrs. Abbott of Austin, Richard Allen, Austin, Burley, Camp, Cole, Cotton, Davis, Dorris, Dupree, Elam, Evans, Gant, Gardiner, Gaston, Grothaus, Hamilton, Harn, Haswell, Kendall, Lane, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Polly, Posey, Rainey, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Shoemaker,

Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller--49.

The veto message of the Governor, returning House bill No. 630, to be entitled "An act to provide that certified copies of patents, grants and titles, as recorded in the General Land Office, and of deeds and other instruments relating to land recorded in any county of this State, may be read in evidence as original testimony," was then read.

The question then being "Will the House, on reconsideration, agree to pass the bill?" the House refused to pass the same by the following vote:

Yeas—Mr. Robertson—1.

Nays—Messrs. Abbott of Austin, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cotton, Davis, Dorris, Elam, Ellis, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Moore of Harrison, Patten, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Smyth, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—71.

The veto message of the Governor returning House bill No. 421, to be entitled "An act to create the county of Tegener" was then read.

The question then being "Will the House, on reconsideration, agree to pass the bill?"

The House refused to pass the same by the following vote:

Yeas—Messrs. Abbott of Austin, R. Allen, Austin, Booty, Bonner, Chambers, Davis, Elam, Ellis, Gant, Gardiner, George, Gaston, Harn, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Morrison, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Simmons, Slaughter, Smyth, Spencer, Stirman, Stockbridge, Van Noy, Weaver--46.

Nays—Messrs. H. R. Allen, Burley, Cotton, Dorris, Evans, Franks, Grothaus, Hamilton, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patten, Robinson, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller--25.

On motion of Mr. Lane, at 12:30 o'clock P. M. the House adjourned until 3:30 o'clock this P. M.

EVENING SESSION.

3:30 o'CLOCK, P. M.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No. quorum present.

Absent, not excused—Messrs. Jo. Abbott, Booty, Burley, Davis, Dupree, Elam, Ellis, Franks, Gant, Gardiner, George, Gaston, Johnson, Kyle, McLean, Miller, Morris, Prissick, Robertson, Schlotman, Slaughter, Spencer and Young.

Mr. Tegener moved a call of the House. Call not sustained.

On motion of Mr. Schutze, the House adjourned until 9 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, {
AUSTIN, TEXAS, November 25, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No quorum present.

Absent, not excused—Messrs. Jo. Abbott and Prissick.

Mr. Plumley moved a call of the House. Call sustained.

Absent, not excused—Messrs. Jo. Abbott, C. L. Abbott, Davis, Dorris, Elam, Franks, Haswell, Johnson, Locke, Miller, Prissick and Schlotman.

Quorum present.

On motion of Mr. Plumley the call of the House was suspended.

On motion of Mr. R. Allen, the reading of yesterday's journal was dispensed with.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM, {
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 863, to be entitled "An act to amend section twenty-four of 'an act to encourage stockraising, and for the protection of stock-raisers,' approved May 22, 1871;" No. 867, entitled "An act

supplementary to 'an act supplementary and amendatory of an act to regulate railroad companies, approved February 7, 1853,' approved December 19, 1857;" No. 877, entitled "An act to incorporate the Houston Savings Bank;" No. 886, entitled "An act to incorporate the Capital City Club of Austin, Texas;" No. 888, entitled "An act to incorporate the Northwestern Texas Land Company;" No. 892, entitled "An act to incorporate the Medina Live Stock Company;" No. 848, entitled "An act authorizing the mayor and board of aldermen of the city of Brenham to dispose of the alleys of said city;" and also, House joint resolution No. 36, "Joint resolution asking the government of the United to pay a suitable reward for the delivery of hostile Indians to the proper authorities;" and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON,
B. S. SHELBURNE.

Report accepted.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following House bills, to-wit: No. 798, "An act to incorporate the Victoria Society of Washington County;" No. 833, "An act to incorporate the Round Mountain Educational Company, of Blanco county;" No. 817, "An act authorizing and requiring the Commissioner of the General Land Office to issue patent upon certificate No. 169 to the heirs or assigns of John Pate;" No. 273, "An act making an appropriation for printing five hundred copies of the rules reported for the Supreme and District Courts and five hundred copies of the circular letter of the clerk of the Supreme Court;" No. 177, "An act to amend 'an act to provide for the mode and manner of conducting elections, making returns and for the protection and purity of the ballot box,' approved August 15, 1870;" No. 730, "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditures of moneys arising from the same."

Respectfully,

G. T. HASWELL, Chairman.

Report accepted.

VETO MESSAGE OF THE GOVERNOR.

The veto message of the Governor returning to the House House bill No. 862, to be entitled "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, justices of the peace and sheriffs in felony cases," was then read.

Mr. Lane moved that House bill No. 862 and the veto message of the Governor be referred to a select committee of three. Carried.

The Speaker appointed Messrs. Lane, Franks and Grothaus as such committee.

Mr. Plumley moved a suspension of the rules to take up Senate bill No. 554, to be entitled "An act amendatory and supplementary to an act entitled 'an act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean,' passed on the — day of May, 1871."

Mr. Plumley moved a call of the House. Call sustained.

Absent, not excused—Messrs. Jo. Abbott, Locke, Miller, Prissick, Schlotman and Shoemaker.

On motion of Mr. Hawkins, Mr. Jo. Abbott was excused from attendance on the House under the call.

On motion of Mr. Plumley, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Schutze moved a suspension of the call. Call not suspended.

On motion of Mr. Schutze, Mr. Prissick was excused from attendance under the call.

On motion of Mr. Schutze, the call of the House was suspended.

The question, recurring on the motion of Mr. Plumley to suspend the rules to take up Senate bill No. 554, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Deprez, Ellis, Franks, Gardiner, George, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—60.

Nays—Messrs. Booty, Chambers, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Jones, Kyle, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—18.

So the rules were suspended, and Senate bill No. 554 taken up and read the third time.

Mr. Evans moved to amend section five by adding thereto the following proviso: "*Provided*, that the gauge of the said Texas Pacific Railroad Company be not less than four feet eight and one-half inches."

Mr. Plumley moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Burley, Camp, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Lacy, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Robertson, Robinson, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—52.

Nays—Messrs. Booty, Bonner, Chambers, Cole, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Jenkins, Jones, Kyle, Lane, Locke, Mitchell, Polly, Posey, Putnam, Rainey, Ross, Self, Simmons, Smyth, Zapp, Zoeller—26.

So the main question was ordered.

The main question being first on the adoption of the amendment offered by Mr. Evans, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Booty, Chambers, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Haswell, Jenkins, Jones, Kyle, Locke, McKee of Guadalupe, Polly, Posey, Putnam, Rainey, Ross, Self, Simmons, Smyth, Zapp, Zoeller—24.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Robertson, Robinson, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—54.

So the House refused to adopt the amendment.

10:30 o'CLOCK A. M.

SPECIAL ORDER,

Viz.: The report of the Committee on Finance on House bill No. 928, to be entitled "An act to provide for the reimbursement of the citizens of Limestone and Freestone counties for taxes paid under the proclamation of the Governor placing said counties under martial law, dated October 9, 1871, and to compensate them for property seized by the military in said counties, and making an appropriation therefor."

Mr. Slaughter moved that the special order be postponed until the business now under consideration be disposed of, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—56.

Nays—Messrs. Booty, Chambers, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Jenkins, Jones, Kyle, Locke, Polly, Posey, Putnam, Rainey, Self, Simmons, Smyth, Stirman, Zapp, Zoeller—22.

So the special order was postponed.

The question recurring on the passage of Senate bill No. 554, the yeas and nays were called for and resulted as follows:

Yeas—Mr. Speaker, Abbott of Austin, H. R. Allen, Richard Allen, Austin, Bonner, Burley, Camp, Cole, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Robertson, Robinson, Ross, Schlickum, Schutze, Shelburne, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin—60.

Nays—Messrs. Booty, Chambers, Dorris, Elam, Evans, Gant, Gaston, Grothaus, Jones, Kyle, Locke, Polly, Putnam, Rainey, Self, Simmons, Smyth, Zapp, Zoeller—19.

So Senate bill No. 554 passed, two-thirds of the members present voting in the affirmative, and its title was agreed to.

The Chief Clerk was dispatched to the Senate with House bills Nos. 848, 863, 867, 877, 886, 888 and 892, for the concurrence of that body in their passage; and returning to the Senate, Senate bill No. 554, which had passed the House without amendment; and, for the concurrence of the Senate, House joint resolution No. 36.

Mr. Gant moved to adjourn. Lost.

SPECIAL ORDER.—Resumed.

Mr. Morrison moved that the special order be postponed for thirty minutes to allow Mr. Plumley, chairman of the Committee on Internal Improvements, to make reports, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Robinson, Schlickum, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin—39.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Grothaus, Jenkins, Jones, Kyle, Lacy, Lane, Locke, McLean, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Ross, Schutze, Self, Shelburne, Simmons, Smyth, Stirman, Tegener, Weaver, Young, Zapp, Zoeller—38.

So the special order was postponed to allow the Committee on Internal Improvements to report.

Mr. Posey moved a call of the House. Call not sustained.

Mr. Plumley, chairman of the Committee on Internal Improvements submitted the following reports:

COMMITTEE ROOM. }
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 744, beg leave to report, and recommend that the bill be indefinitely postponed.

PLUMLEY, Chairman,
ZAPP,
ROBINSON,
HARN,
HASWELL,
WILLIAMS,
PATTEN,
LOCKE.

COMMITTEE ROOM,
Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The minority of the committee to whom was referred House bill No. 744, "An act supplemental to an act entitled 'an act in relation to the Missouri, Kansas and Texas Railway Company (late Union Pacific Railway), Southern branch,' passed August 2, 1870," beg leave to submit the following report, and respectfully and earnestly ask its adoption. We have carefully examined the act to which this is supplemental, and find that the "Southern Branch" of said great company, which is being rapidly constructed to the border of our State, and is destined soon to traverse, from Northeast to Southwest, more than half of the temperate zone, is required by said act, to which this bill is but a supplement or amendment, to cross Red River between "Preston and Doaksville," and run through the State of Texas, "in the general direction of Waco and Austin, to the Rio Grande." From this provision and direction in said law, conferring the right of way, and many other important rights and privileges to said company, it will be seen by a glance at the map of the State that the towns of Sherman, McKinney, Dallas, Waxahachie and Hillsboro, are on nearly a direct line to Waco, and Belton and Georgetown are directly on the route from Waco to Austin, so that the route, according to said supplemental bill, is almost an air line, and passes through one of the richest and most desirable portions of our State. We deem the passage of said bill as not only necessary to protect the interest of a large portion of our citizens, but an act of justice, which we believe the Legislature will not refuse to the people, for the benefit of foreign corporators and stockholders. Experience has taught us that however liberal we may be in granting franchises and privileges, they select sites for their depots sufficiently distant from county sites and towns, near where they pass, to destroy said places, and build up towns of their own, to the ruin of some and great injury of others, who have invested their capital and labor in said places. We do not assert that it is the wish or intention of this company to pursue a course so injurious to thousands of our own citizens, and the destruction of many of our most flourishing towns mentioned in this bill, but we do believe that it is the duty of the Legislature to so guard the rights of her citizens and the flourishing towns aforesaid, as to require said company to make depots at each of the towns named; *provided*, the citizens or municipal authorities donate sufficient land in or adjoining the incorporation for that purpose. We ask the pas-

sage of the bill, if amended, believing that the Legislature would be derelict in their duty to nine of the most fertile counties in the State, containing a population of over one hundred thousand, and representing a capital of over thirty millions of dollars, unless they do so. We would further state that it is not the houses and lands, but the *people*, who make the State, and that those liberal franchises were granted to said company as much for their benefit as for the non-resident incorporators of said road, and have a right to demand that said company locate a depot in one mile of the court houses of each of the counties through which they pass.

We would ask, that the following amendments be adopted, and then the passage of the bill: In section one, after the word "to-wit," in nineteenth line, second page, add "Sherman." And amend third page, fourth line, by inserting, "*provided*, the citizens or municipal authorities of said incorporated towns shall donate said company sufficient land for depots, warehouses and turnouts for said railway."

All of which is respectfully submitted.

J. W. LANE,
W. P. McLEAN.

On motion of Mr. Lane, the further consideration of House bill No. 744 was postponed and made the special order for Monday, at 11 o'clock A. M.

A message was received from the Senate, returning House bills Nos. 815 and 938, which the Senate had passed without amendment, and Nos. 897 and 741, passed with amendment.

Also, transmitting for the concurrence of the House, Senate bill No. 583.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 884, to be entitled "An act to incorporate the Sabine and El Paso Railroad Company, and to provide for the aid of the State of Texas in constructing the same," have duly considered the same, and beg leave to report back for the consideration of the House a substitute.

Respectfully,

PLUMLEY, Chairman,
ZAPP,
ROBINSON,
HARN,
HASWELL,

WILLIAMS,
PATTEN,
LOCKE,
LANE,
McLEAN.

Mr. Booty moved to lay House bill No. 884 on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Austin, Booty, Chambers, Cole, Evans, Gant, Gaston, Grothaus, Hamilton, Jenkins, Jones, Lacy, Lane, Leonard, Locke, McLean, Moore of Harrison, Polly, Posey, Putnam, Rainey, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Simmons, Smyth, Spencer, Van Noy, Weaver, York, Zapp, Zoeller—35.

Nays—Mr. Speaker, Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Davis, Dupree, Ellis, Franks, Gardiner, George, Harn, Johnson, Kendall, Kyle, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Patten, Plumley, Robinson, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin—36.

So the House refused to lay the bill on the table.

Mr. Zapp moved to recommit the bill to the Committee on Internal Improvements.

Mr. Evans moved to postpone the further consideration of House bill No. 884 until the second day of December, at 11.45 o'clock A. M., upon which the yeas and days were called for and resulted as follows :

Yeas—Messrs. Austin, Booty, Chambers, Cole, Dorris, Elam, Evans, Gant, Gardiner, Gaston, Grothaus, Hamilton, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Locke, McLean, Polly, Posey, Putnam, Rainey, Robertson, Ross, Schlickum, Self, Shelburne, Simmons, Smyth, Spencer, Tegener, York, Zapp, Zoeller—38.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Davis, Dupree, Ellis, George, Harn, Johnson, Kendall, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Robinson, Schutze, Sheriff, Shoemaker, Slaughter, Stirman, Stockbridge, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin—38.

So the motion to postpone was lost.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 23, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit : No. 849, to be entitled "An act to amend an act entitled 'an act to incorporate the town of Bastrop,' approved December 18, 1837 ;"

No. 875, to be entitled "An act amendatory of an act entitled 'an act to prescribe the time of the annual meetings of the Legislature,' approved July 22, 1870;" No. 905, to be entitled "An act to incorporate the Bryan Manufacturing Company;" No. 908, to be entitled "An act to provide for the division of the records of Refugio and Aransas counties, and their transfer to their proper counties;" No. 937, to be entitled "An act to incorporate the Pecos Irrigating and Manufacturing and Live Stock Company;" and No. 858, to be entitled "An act to incorporate the Home Insurance and Trust Company of Texas," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON,
B. S. SHELBURNE.

Report accepted.

Mr. Haswell, chairman of the Committee on Enrolled Bills submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined and find correctly enrolled the following House bills, to-wit: No. 492, "An act to authorize W. H. McVey to erect a toll bridge over Red Oak creek, in Ellis county, on the road leading from Lancaster, in Dallas county, to Chatfield Point and Corsicana, in Navarro county;" No. 840, "An act to incorporate the Casino Society of Yorktown;" No. 940, "An act to authorize a special term of the District Court, within and for the county of Houston, Third Judicial District, State of Texas;" No. 446, "An act to muster into service minute men for the protection of the frontier."

GEO. T. HASWELL, Chairman.
GROTHAUS,
POSEY,
SHOEMAKER.

Report accepted.

SPECIAL ORDER—Resumed.

Mr. Johnson moved that the Committee on Finance be allowed until Monday at 10:30 o'clock A. M., to make their report on House bill No. 928.

Mr. Booty moved a call of the House. Call sustained.

Absent, not excused—Messrs. Jo. Abbott, McLean, Polly, Prissick, Robb, York and Young.

On motion of Mr. Hawkins, Mr. Jo. Abbott was excused from attendance under the call.

On motion of Mr. R. Allen, the call of the House was suspended.

A message was received from the Senate, transmitting for the concurrence of the House, Senate bills Nos. 461 and 511; also, Senate concurrent resolution No. 10; and for the signature of the Speaker, Senate bill No. 554, which was signed and returned to the Senate.

Mr. Robertson moved a call of the House. Call sustained.

Absent, not excused—Messrs. Jo. Abbott, McLean, Polly, Prissick, Robb, York and Young.

[Mr. Morrison in the chair.]

Mr. Locke moved that the House adjourn until 9 o'clock A. M., Monday. Lost.

[Speaker in the chair.]

Mr. Simmons moved that the House adjourn until 10 o'clock A. M., Monday, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Evans, Gardiner, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, Medlock, Morris, Moore of Harrison, Robinson, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Zapp, Zoeller—27.

Nays—Messrs. H. R. Allen, Austin, Booty, Chambers, Cole, Elam, Ellis, Franks, Gant, George, Gaston, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, Miller, Mitchell, Morrison, Patten, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Smyth, Stirman, Tegener, Weaver, Williams of Walker, Youngkin—46.

So the House refused to adjourn.

Mr. Locke moved to adjourn until 9:30 o'clock A. M. Monday. Lost.

On motion of Mr. B. F. Williams, the call of the House was suspended.

By leave, Mr. Johnson withdrew his motion to grant more time to the Committee on Finance to report on House bill No. 928.

Mr. R. Allen moved to lay House bill No. 928 on the table; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dorris, Dupree, Gardiner, Grothaus, Hamilton, Johnson, Kendall,

Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—28.

Nays—Messrs. H. R. Allen, Camp, Chambers, Cole, Elam, Ellis, Evans, Franks, Gant, George, Gaston, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Slaughter, Smyth, Stirman, Tegener, Van Noy, Weaver, Young, Zapp—44.

So the House refused to lay the bill on the table.

11:30 o'clock, A. M.

SPECIAL ORDER,

Viz : Senate bill No. 526, to be entitled "An act to amend an act entitled 'an act to amend an act incorporating the city of Jefferson, in Marion county.'"

Mr. Robertson moved that the special order be postponed until Monday at 10:30 o'clock A. M., upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. H. R. Allen, Booty, Camp, Chambers, Cole, Elam, Ellis, Evans, Franks, Gant, George, Gaston, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Polly, Posey, Putnam, Rainey, Robertson, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Van Noy, Weaver, Young, Zapp—43.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Dorris, Dupree, Gardiner, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—30.

So the special order was postponed.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined House bill No. 815, entitled "An

act permanently establishing the county seat of Menard county," and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman,
SHOEMAKER,
GROTHAUS,
POSEY.

Report accepted.

A message was received from the Senate returning House bills Nos. 691, 785 and 860, which had been passed by the Senate without amendments.

Mr. Morrison moved that the House adjourn until 10 o'clock A. M. Monday; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Camp, Dorris, Dupree, George, Hamilton, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Shoemaker, Stockbridge, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—25.

Nays—Messrs. H. R. Allen, Austin, Booty, Chambers, Cole, Elam, Ellis, Evans, Franks, Gant, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Ross, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Smith, Stirman, Tegener, Van Noy, Weaver, Zapp—43.

So the House refused to adjourn.

Mr. Evans moved that House bill No. 928 be referred to a select committee of five, with instructions to report at 11:30 o'clock A. M. Monday. Carried.

The Speaker appointed Messrs. Evans, Slaughter, Schutze, Robertson and Haswell.

The Chief Clerk was dispatched to the Senate with House bills Nos. 905, 908 and 937 for concurrence.

And transmitting for the signature of the President of the Senate enrolled House bills Nos. 446, 492, 840, 940 and 815, which were signed and returned to the House.

Consideration of House bill No. 884—resumed.

Mr. Evans moved to reject House bill No. 884, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Austin, Booty, Chambers, Cole, Elam, Evans, Franks, Gant, Gardiner, Gaston, Hamilton, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lyons, Morrison, Pierson, Polly, Posey, Putnam, Rainey, Robertson, Robinson, Ross,

Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Stockbridge, Tegener, Weaver, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—50.

Nays—Messrs. Abbott of Austin, Burlcy, Camp, Cotton, Dorris, Dupree, Ellis, George, Harn, McKee of Guadalupe, Medlock, Miller, Mitchell, Moore of Harrison, Patten, Plumley, Shoemaker, Slaughter, Youngkin—19.

So House bill No. 884 was rejected.

Mr. Morrison moved a reconsideration of the vote just taken.

Mr. Slaughter moved a suspension of the rules to take up Senate Messages.

Mr. Evans moved to lay the motion to reconsider the vote just taken, rejecting House bill No. 884, on the table.

Mr. Morrison moved that the House adjourn until 10 o'clock A. M. Monday, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Dorris, Dupree, Ellis, Gardiner, George, Grothaus, Hamilton, Harn, Hawkins, Johnson, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Posey, Robinson, Schlickum, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin—39.

Nays—Messrs. H. R. Allen, Austin, Booty, Chambers, Cole, Elam, Evans, Franks, Gant, Gaston, Haswell, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Plumley, Polly, Putnam, Rainey, Robertson, Ross, Schutze, Self, Shelburne, Sheriff, Simmons, Smyth, Stirman, Weaver, York, Zapp, Zoeller—34.

So the House, at 12 o'clock M., adjourned until 10 o'clock A. M. Monday next.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, Nov. 27, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Grothaus, the reading of yesterday's journal was dispensed with.

The Chair laid before the House the following communication :

DEPARTMENT OF STATE, }
Austin Nov. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I have the honor to transmit herewith tabular statement of the registered voters of this State by counties, according to the last returns from each county, as far as such have been received at this office, and for the balance according to the registration under the military authorities in 1869, called for by resolution of the twenty-second instant.

I have the honor to be, very respectfully, your obedient servant,
J. E. OLDRIGHT,
Acting Secretary of State.

STATEMENT OF THE REGISTERED VOTERS IN THE STATE OF TEXAS,
COMPILED FROM THE RETURNS OF THE MILITARY REGISTRATION
AND SUBSEQUENT PARTIAL RETURNS OF REGISTRATION UNDER
THE CIVIL AUTHORITIES.

Anderson	2,746	Jones . . . . .	....
Angelina	763	Karnes	352
Archer . . . . .	....	Kaufman	1,064
Atascosa	458	Kendall	256
Austin	2,505	Kerr	183
Bandera	152	Kimball . . . . .	....
Bastrop	2,993	Kinney	20
Baylor . . . . .	....	Knox . . . . .	....
Bee	184	Lamar	3,399
Bell	1,108	Lampasas	347
Bexar	2,081	La Salle . . . . .	....
Blanco	191	Lavaca	1,803
Bosque	857	Leon	2,167
Bowie	823	Liberty	1,090
Brazoria	2,083	Limestone	1,235
Brazos	2,030	Live Oak	132
Brown	161	Llano	196
Burleson	1,740	McCulloch . . . . .	....
Burnet	508	McLennan	5,029
Caldwell	1,579	McMullen . . . . .	....
Calhoun	753	Madison	674
Callahan . . . . .	....	Marion	2,101
Cameron	785	Mason	231
Chambers	360	Matagorda	884

[Statement—Continued.]

Cherokee	2,615	Maverick	166
Clay .....	....	Medina	300
Collin	2,408	Menard	109
Colorado	3,190	Milam	1,561
Coleman	57	Montague	252
Comal	939	Montgomery	2,004
Comanche	243	Nacogdoches	2,035
Concho .....	....	Navarro	1,170
Cooke	675	Newton	534
Coryell	568	Nueces	650
Dallas	2,465	Orange	326
Davis	3,365	Palo Pinto	152
Delta	360	Panola	1,421
Denton	1,081	Parker	799
De Witt	1,346	Polk	1,568
Dimmit .....	....	Presidio	106
Duval .....	....	Red River	2,213
Eastland .....	....	Refugio	207
Edwards .....	....	Robertson	2,215
Ellis	1,266	Runnels	3
El Paso	701	Rusk	2,802
Encinal .....	....	Sabine	676
Erath	330	San Augustine	857
Falls	1,621	San Patricio	143
Fannin	1,969	San Saba	215
Fayette	4,415	San Jacinto	710
Fort Bend	1,626	Shelby	1,017
Freestone	1,768	Smith	4,269
Frio	14	Starr	142
Galveston	5,035	Stephens .....	....
Gillespie	600	Tarrant	1,538
Goliad	573	Taylor .....	....
Gonzales	2,381	Throckmorton .....	....
Grayson	1,615	Titus	1,787
Grimes	4,076	Travis	3,994
Guadalupe	1,906	Trinity	620
Hamilton	133	Tyler	838
Hardeman .....	....	Upshur	2,116
Hardin	224	Uvalde	160
Harris	5,981	Van Zandt	1,440
Harrison	3,811	Victoria	1,135

[Statement—Concluded.]

Haskell.....		Walker.....	2,557
Hays.....	698	Washington.....	4,298
Henderson.....	886	Webb.....	251
Hidalgo.....	165	Wharton.....	985
Hill.....	842	Wichita.....	....
Hood.....	498	Wilbarger.....	....
Hopkins.....	1,778	Williamson.....	1,486
Houston.....	2,172	Wilson.....	407
Hunt.....	1,381	Wise.....	379
Jack.....	226	Wood.....	1,419
Jackson.....	576	Young.....	....
Jasper.....	809	Zapata.....	72
Jefferson.....	411	Zavalla.....	....
Johnson.....	797		
Total.....			170,723
Less transfers, deaths, removals, etc.....			489
Leaving.....			170,234

Laid over under the rules.

Mr. Lane, chairman of the select committee on House bill No. 862, submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your special committee to whom was referred House bill No. 862, "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August, 1870 and 1871, for fees due district attorneys, district clerks, justices of the peace and sheriffs in felony cases," together with the veto of his Excellency the Governor thereon, have had the same under consideration, and beg leave to report the same back to the House with a recommendation that the bill do pass, notwithstanding the objections of the Executive. Your committee are informed by the Comptroller of the State that at least one hundred thousand dollars are necessary to meet said deficiency for both of said years, and unless the bill becomes a law no relief can be offered to said officers for more than a year hence, as no provision for an earlier meeting of the Legislature is made. We claim that these officers have performed their duties under the existing laws, and notwithstanding the fees of said officers

are unnecessarily large, this bill should become a law, to meet the ends of justice. The committee would further state that a bill has already passed the House reducing the fees of district attorneys in felony cases from fifty dollars to twenty-five.

Very respectfully,

J. W. LANE,
F. G. FRANKS,
T. E. GROTHAUS.

The question being, "Will the House on reconsideration agree to pass the bill?" the House passed the same by the following vote:

Yeas—Mr. Speaker, Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Cotton, Evans, Franks, Gant, Gardiner, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Miller, Morrison, Moore of Harrison, Pierson, Plumley, Putnam Robb, Robertson, Schlotman, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, York, Youngkin, Zapp, Zoeller—57.

Nays—Messrs. Abbott of Hill, R. Allen, Cox, Davis, Dorris, Elam, George, Gaston, Medlock, Mitchell, Morris, Patten, Polly, Rainey, Robinson, Ross, Schlickum, Williams of Colorado, Young—19.

The Chief Clerk was dispatched to the Senate, informing that body that the House had passed House bill No. 862, notwithstanding the Governor's objections thereto.

UNFINISHED BUSINESS,

Viz.: The motion of Mr. Evans to lay on the table the motion of Mr. Morrison to reconsider the vote by which House bill No. 884 was rejected.

The motion to reconsider was laid on the table.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 27, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 831, entitled "An act to amend 'an act, approved August 13, 1870, incorporating the town of Bremond;'" No. 869, entitled "An act to incorporate the town of Comanche, in Comanche county;" No. 871, entitled "An act to incorporate the Colorado and McDade

Ferry Company;" No. 873, entitled "An act to relieve Fred. Miltner from paying State, county and municipal occupation taxes on the sale of goods, wares and merchandise in the State of Texas;" No. 891, entitled "An act to establish a ferry across the Neches river, at Bates Ferry, in Cherokee county;" No. 906, entitled "An act for the relief of Thomas F. McKinney;" No. 915, entitled "An act to authorize David Colley, his associates and successors, to construct, own and keep a toll bridge on White Oak bayou, in Titus county;" No. 953, entitled "An act supplementary to and amendatory of 'an act to authorize the County Court of Marion county to issue coupon interest-bearing bonds for the building of a court house and jail for said county, and to levy a tax for the same;" No. 954, entitled "An act to amend 'an act to provide for the salary and fees of district attorneys,' approved August 11, 1870;" and No. 955, entitled "An act to amend section five of 'an act to provide for the salary and fees of district attorneys,' approved August 11, 1870," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON,
B. S. SHELBURNE.

Report accepted.

On motion of Mr. Haswell, the chairman of the Committee on Enrolled Bills was authorized to employ two additional clerks.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following House bills, to-wit: No. 492, "An act to authorize W. H. McVey to erect a toll bridge over Red Oak creek, in Ellis county, on the road leading from Lancaster, in Dallas county, to Chatfield Point and Corsicana, in Navarro county;" No. 840, "An act to incorporate the Casino Society of Yorktown;" No. 940, "An act to authorize a special term of the District Court within and for the county of Houston, Third Judicial District, State of Texas;" No. 446, "An act to muster into service minute men for the protection of the frontier."

GEO. T. HASWELL, Chairman.

Report accepted.

On motion of Mr. Slaughter, the rules were suspended to take up Senate messages.

House bill No. 99, to be entitled "An act to incorporate the Cleburne and Cross Timber Railway Company," returned from the Senate with amendments was taken up.

On motion of Mr. Grothaus, the House agreed to the following amendments :

Amend section six by adding, "*provided*, that suits against said company may be maintained in any county through which said road is located for damages for accidents from neglect of employes."

Amend section two by striking out all after the word "direction" in line eleven, and insert in lieu thereof the following: "with the privilege of connecting with the Southern Pacific or Trans-Continental Railroad." Also, amend in line eight, after the word "Ellis" insert "by way of the town of Waxahachie, in said county."

House bill No. 741, to be entitled "An act to incorporate the Dallas and Wichita Railroad Company," was then taken up.

On motion of Mr. Slaughter, the House agreed to the following Senate amendments :

In section one, line four, insert the name of J. W. Haynes as one of the incorporators.

Strike out all of section eight, and insert in lieu thereof the following: "Sec. 8. That when any lands are taken for the road-bed or depots, the value of the same shall be determined as prescribed by the general railroad law of this State."

House bill No. 897, to be entitled "An act to release to the county of Houston the State tax for the year 1871, for the completion of a court house and jail in said county," was then taken up.

On motion of Mr. Morrison, the House disagreed to the following Senate amendments: Add the following to the preamble: "And whereas, the court house of San Saba county was, during the past summer, entirely destroyed by a tornado." Amend by adding the words "and San Saba," after the word "Houston," in section one. And whereas, the court house of the county of Madison was also destroyed by fire, therefore amend by adding the word "Madison" after the words "Houston and San Saba," in section one. Amend by striking out the words "in the course of erection." Amend by striking out the words "county" and "sheriff" wherever they occur, and insert in lieu thereof the words "counties" and "sheriffs."

10:30 o'clock A. M.

SPECIAL ORDER,

Viz.: Senate bill No. 526, to be entitled "An act to amend an act entitled 'an act incorporating the City of Jefferson, in Marion

county, approved September 11, 1866,' approved August 3, 1870."

Mr. Grothaus moved to postpone the special order. Lost.

The House refused to adopt the amendments recommended by the Committee on Town and City Corporations.

Senate bill No. 526 was then ordered to its third reading, read the third time, passed and its title agreed to.

A message was received from the Senate, transmitting for the signature of the Speaker enrolled Senate bills Nos. 334, 574, 436, 507, 443 and 518, which were signed and returned to the Senate.

On motion of Mr. Plumley, the rules were suspended to allow the introduction of

BILLS.

Mr. Plumley introduced a bill (House bill No. 956) to be entitled "An act to incorporate the Young Men's Irish Benevolent and Literary Association of Galveston, Texas," which was read the first time; rules suspended, read the second time.

The rule requiring all bills on their second reading to be referred to committees, was suspended in this case and House bill No. 956 ordered to be engrossed and passed to its third reading.

The rules were further suspended and House bill No. 956 read the third time, passed and its title agreed to.

Mr. Jones introduced a bill (House bill No. 957) to be entitled "An act to amend an act entitled 'an act to regulate the time of holding the courts in the Eleventh Judicial District,' approved October 24, A. D. 1871," which was read the first time; rules suspended, read the second time.

The rule requiring all bills on their second reading to be referred to committees, was suspended in this case and House bill No. 957 ordered to be engrossed and passed to its third reading; rules further suspended, read the third time, passed and its title agreed to.

Mr. George introduced a bill (House bill No. 958) to be entitled "An act authorizing the Governor to employ special counsel in cases in which the State may be interested, and prescribing the manner in which the contracts or accounts for their services shall be approved," which was read the first time; rules suspended, read the second time.

The rule requiring all bills on their second reading to be referred to committees, was suspended in this case and House bill No. 958 ordered to be engrossed and passed to its third reading.

On motion of Mr. Harn, the rules were further suspended and House bill No. 958 read the third time.

On motion of Mr. Evans, a message was sent to the Senate by

the Chief Clerk requesting that body to return to the House Senate bill No. 529, the House having failed to comply with article thirteen, section twenty-four of the State Constitution, which request was granted and Senate bill No. 529 returned to the House.

11 o'CLOCK A. M.

SPECIAL ORDER,

Viz.: House bill No. 744, to be entitled "An act supplemental to an act entitled 'an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern Branch,' passed August 2, 1870."

On motion of Mr. Lane, the special order was postponed until 11 o'clock A. M. to-morrow.

The question recurring on the passage of House bill No. 958 the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Burley, Cotton, Dorris, Dupree, George, Harn, Kendall, Locke, McKee of Guadalupe, McLean, Medlock, Mitchell, Morrison, Patten, Plumley, Schlotman, Shoemaker, Stockbridge—18.

Nays—Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Davis, Elam, Ellis, Franks, Gant, Gardiner, Hamilton, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Morris, Pierson, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Spencer, Stirman, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—58.

So the House refused to pass House bill No. 958.

On motion of Mr. Plumley, the rules were suspended to take up

BUSINESS ON THE SPEAKER'S TABLE.

Senate concurrent resolution No. 10, "in relation to appointment of committees to attend the centennial celebration, to be held at Philadelphia, Pennsylvania, in the year 1876," was read the first and second times, and on motion of Mr. Plumley it was adopted.

BILLS ON THIRD READING.

House bill No. 675, to be entitled "An act to amend an act entitled 'an act to create the Board of Commissioners of Public Grounds

and Buildings," " was read the third time, passed, and its title agreed to.

House bill No. 759, to be entitled "An act to regulate life insurance in the State of Texas," was read the third time, and on motion of Mr. Plumley, it was postponed until the other bills on the Speaker's table be disposed of.

House bill No. 818, to be entitled "An act to release Orange McCarty from paying State and county tax on the sale of groceries in the county of Angelina, State of Texas," was read the third time, passed and its title agreed to.

House bill No. 831, to be entitled "An act to amend an act approved August 13, 1870, 'incorporating the town of Bremond,'" was read the third time, passed and its title agreed to.

House bill No. 849, to be entitled "An act to amend an act entitled 'an act to incorporate the town of Bastrop,' approved December 18, 1837," was read the third time, passed and its title agreed to.

House bill No. 858, to be entitled "An act to incorporate the Home Insurance and Trust Company of Texas," was read the third time, passed and its title agreed to.

House bill No. 875, to be entitled "An act amendatory of an act entitled 'an act to prescribe the time of the annual meeting of the Legislature,' approved July 22, 1870," was read the third time, passed and its title agreed to.

House bill No. 906, to be entitled "An act for the relief of Thomas F. McKinney," was read the third time, passed and its title agreed to.

House bill No. 926, to be entitled "An act for the relief of W. T. Patterson," was read the third time and passed by the following vote:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Cox, Gant, Gardiner, Hamilton, Harn, Haswell, Hawkins, Jenkins, Johnson, Lacy, Lane, Locke, McKee of Guadalupe, McLean, Miller, Pierson, Plumley, Posey, Putnam, Robertson, Robinson, Schutze, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Stirman, Stockbridge, Tinsley, Van Noy, Weaver, Young, Zapp—41.

Nays—Messrs. Richard Allen, Bonner, Burley, Cotton, Davis, Dorris, Dupree, Elam, Ellis, Evans, Franks, George, Gaston, Grothaus, Jones, Kendall, Lorange, Lyons, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Polly, Rainey, Robb, Ross, Schlickum, Schlotman, Self, Spencer, Tegener, Williams of Walker, York, Youngkin, Zoeller—37.

The title of the bill was agreed to.

Mr. Pierson moved a reconsideration of the vote just taken.

Mr. Robertson moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Cole, Cox, Gant, Gardiner, George, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Locke, McKee of Guadalupe, McLean, Miller, Moore of Harrison, Plumley, Posey, Putnam, Robb, Robertson, Robinson, Schutze, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stirman, Stockbridge, Tinsley, Van Noy, Weaver, Young, Zapp—44.

Nays—Messrs. Richard Allen, Bonner, Burley, Chambers, Cotton, Davis, Dorris, Dupree, Elam, Ellis, Evans, Franks, Gaston, Grothaus, Johnson, Kendall, Lorange, Lyons, Medlock, Mitchell, Morrison, Patten, Pierson, Rainey, Ross, Schlickum, Schlotman, Self, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—33.

So the motion to reconsider was laid on the table.

A message was received from the Senate transmitting for concurrence of the House, Senate bills Nos. 579 and 519, and returning House bills Nos. 867, 809 and 936, which had passed the Senate without amendment, and House joint resolution No. 28, passed with amendment.

Also, informing the House that the Senate had adopted the report of the conference committee on House bill No. 114.

11:30 o'CLOCK A. M.

SPECIAL ORDER,

Viz.: The report of the select committee on House bill No. 928.

Mr. Pierson moved to postpone the consideration of the special order until the business on the Speaker's table be disposed of, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Putnam, Robinson, Ross, Schlotman, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—44.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, McLean, Miller, Polly, Posey, Rainey, Robb, Robertson, Schlickum, Schutze, Self, Shelburne, Simmons, Stirman, Weaver, Zapp—36.

So the special order was postponed.

House bill No. 759, to be entitled "An act to regulate life insurance in the State of Texas," was then read the third time, passed and its title agreed to.

Mr. Locke moved a reconsideration of the vote by which the House passed House bill No. 759.

Mr. Morrison moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Richard Allen, Burley, Cotton, Cox, Dorris, Elam, Ellis, Evans, Franks, Gardiner, George, Hamilton, Harn, Kendall, Lacy, Leonard, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Patten, Plumley, Putnam, Robertson, Robinson, Schutze, Shelburne, Sheriff, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, Williams of Walker, Young, Zoeller—39.

Nays—Messrs. Abbott of Hill, Austin, Booty, Bonner, Camp, Cole, Davis, Gant, Gaston, Grothaus, Hawkins, Jenkins, Jones, Johnson, Lane, Locke, Lorange, Lyons, Moore of Harrison, Pierson, Polly, Rainey, Robb, Ross, Schlickum, Schlotman, Self, Shoemaker, Spencer, Stirman, Van Noy, York, Youngkin, Zapp—34.

So the motion to reconsider was laid on the table.

Mr. Booty moved that Mr. Cole be excused from attendance on the House from and after to-morrow. Lost.

Mr. Morris, chairman of the committee of free conference on House bill No. 114, submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee of free conference on House bill No. 114, entitled "An act to incorporate the Jefferson City Street Railway Company," respectfully recommend that section one be amended by striking out the names of "P. W. Graham, N. A. Birge, J. W. Johnson, D. Campbell, E. Marx, W. G. Robinson, C. W. Garland, and T. B. Borst," and inserting the names of "Charles M. Campbell and Marshall Marsh" in lieu thereof.

C. D. MORRIS,
W. G. ROBINSON,
A. J. BOOTY,
J. F. McKEE,
W. P. McLEAN,

Committee on part of House.

W. H. PYLE,
W. A. SAYLOR,
MATT. GAINES,

Committee on part of Senate.

On motion of Mr. Robinson, the report of the committee was adopted.

SPECIAL ORDER—Resumed.

Mr. Evans, chairman of the committee on House bill No. 928, submitted the following majority and minority reports:

COMMITTEE ROOM, }
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The select committee, to whom was referred House bill No. 928, entitled "An act to provide for the reimbursement of the citizens of Limestone and Freestone counties for taxes levied under the proclamation of the Governor, placing said counties under martial law, dated October 9, 1871, and to compensate them for property seized by the military authorities in said counties, and making an appropriation therefor," have had the same under consideration, and report it back, with the recommendation that it do pass, with the accompanying amendments.

IRA H. EVANS, Chairman,
JULIUS SCHUTZE,
JNO. W. ROBERTSON,
GEO. T. HASWELL.

MINORITY REPORT.

COMMITTEE ROOM, }
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: A minority of your special committee appointed to take into consideration House bill No. 928, cannot agree with the recommendation of the majority. It is evident from the statements given by the board of officers who constituted that court martial, that a difference of opinion can exist even among officials. This way of a whole community egging on a few desperadoes to do deeds of violence, should be stopped; and in this instance, where a whole community rose in arms, to the number of hundreds, cannot be passed over without ruinous results to the Republican party and the State.

I understand that since the troops have been withdrawn from Springfield, Bonner, the district clerk, and D. Huston, county treasurer, have been run from their homes, and had to adopt the old time home of Republicans—a bed of leaves in the woods.

Your minority sincerely believes, from all the facts shown, that extraordinary forbearance and clemency has been extended toward those people, and they ought to be indeed gratified to be allowed to pay out of a difficulty, where probably justice would demand life instead of money.

SLAUGHTER.

Mr. C. L. Abbott moved to lay the reports and bill on the table.

Mr. Schutze moved a call of the House. Call sustained.

Absent, not excused—Messrs. Bonner, McLean, Prissick and Young.

Mr. C. L. Abbott moved a suspension of the call, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—37.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Stirman, Tegener, Weaver, Zapp—42.

So the call was not suspended.

On motion of Mr. Chambers, the Sergeant-at-Arms was dispatched for the absentees.

Mr. R. Allen moved that the House adjourn until 3:30 o'clock P. M. upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dupree, Franks, Gardiner, Grothaus, Hamilton, Johnson, Kendall, Locke, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Robinson, Schlotman, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—27.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Davis, Dorris, Elam, Ellis, Evans, Gant, George, Gaston, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, Miller, Patten, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne,

Sheriff, Simmons, Slaughter, Spencer, Stirman, Tegener, Van Noy Weaver, Zapp—52.

So the House refused to adjourn.

Mr. C. L. Abbott moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Dupree Franks, Johnson, Kendall, Medlock, Merris, Moore of Harrison, Schlotman, Stockbridge, Williams of Colorado, Zoeller—14.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cox, Davis, Dorris, Elam, Ellis, Evans, Gant, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, Miller, Mitchell, Morrison, Patten, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stirman, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, York, Youngkin, Zapp—65.

So the House refused to adjourn.

On motion of Mr. Evans, the call of the House was suspended.

Mr. C. L. Abbott moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

The question recurring on the motion of Mr. C. L. Abbott to lay the reports and House bill No. 928 on the table, the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Hamilton, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—32.

Nays—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Elam, Ellis, Evans, Franks, Gant, Gaston, Grothaus, Harn, Haswell, Hawkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Simmons, Spencer, Stirman, Tegener, Van Noy, Weaver, Zapp—46.

So the House refused to lay the reports on the table.

During the call of the roll, Mr. Elam raised the point of order that Mr. Slaughter was not entitled to vote, he not having been within the bar of the House when the question was put.

The Chair ruled the point of order well taken.

Messrs. Slaughter and Dupree appealed from the decision of the Chair.

Mr. Chambers moved to lay the appeal on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Abbott of Hill, H. R. Allen, Booty, Chambers, Cole, Elam, Ellis, Evans, Franks, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jones, Johnson, Kyle, Lacy, Lane, Lorange, Lyons, McKee of Guadalupe, Medlock, Morris, Morrison, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Stirman, Tegener, Van Noy, Weaver, York, Youngkin, Zapp—50.

Nays—Messrs. Richard Allen, Austin, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Gant, Gardiner, Hamilton, Jenkins, Kendall, Leonard, Locke, Miller, Mitchell, Moore of Harrison, Patten, Posey, Schlotman, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Zoeller—29.

So the appeal was laid on the table.

Mr. Robertson moved the previous question. Previous question seconded.

The question recurring " Shall the main question be now put ?" the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Elam, Ellis, Evans, Franks, Gant, Gardiner, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Mitchell, Patten, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Stirman, Van Noy, Weaver, Zapp—49.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, George, Hamilton, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Morris, Morrison, Moore, of Harrison, Robinson, Schlotman, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—30.

So the main question was ordered.

A message was received from the Senate, announcing that that body had appointed a committee of free conference on Senate bill No. 405, composed of Senators Pickett, Saylor and Ruby, and also a like committee on House bill No. 897, composed of Senators Mills, Bowers and Dillard, and asked that the House appoint like committees.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled bills beg leave to report that they have this day sent to the Governor for his approval House bill No. 815, to be entitled "An act permanently establishing the county seat of Menard county."

GEO. T. HASWELL, Chairman.

Report accepted.

The Chief Clerk was dispatched to the Senate, transmitting for the concurrence of that body House bills Nos. 869, 873, 915, 891, 871, 954, 955 and 953; and returning Senate bill No. 526, passed by the House without amendment.

Also, informing that body that the House agreed to the Senate amendments to House bills Nos. 99 and 741, and refused to agree to the Senate amendments to House bill No. 879.

House bill No. 928 was then read.

The substitute recommended by the committee was then read and adopted in lieu of the original bill.

The main question being on ordering House bill No. 928 to be engrossed and passed to its third reading, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Ellis, Evans, Franks, Gant, George, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pier-son, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Simmons, Stirman, Tegener, Van Noy, Weaver, Zapp, Zoeller—50.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, Hamilton, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Wal-ker, York, Youngkin—30.

So House bill No. 928 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Plumley, the rules were suspended to take up the business on the Speaker's table.

Mr. C. L. Abbott moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Bonner, Burley, Dupree, Franks, Gardiner, Kendall, Posey, Rainey, Ross, Spencer, Stockbridge, Van Noy, Weaver, Williams of Colorado—18.

Nays—Messrs. H. R. Allen, Booty, Camp, Chambers, Cole, Cotton, Cox, Davis, Dorris, Elam, Ellis, Evans, Gant, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kyle Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Robb, Robertson, Robinson, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Stirman, Tegener, Tinsley, Williams of Walker, York, Youngkin, Zapp, Zoeller—62.

So the House refused to adjourn.

Mr. Booty moved that a committee of free conference be appointed on House bill No. 897.

On motion of Mr. C. L. Abbott the House at 1 o'clock P. M. adjourned until 3:30 o'clock this P. M.

AFTERNOON SESSION.

3:30 o'clock P. M.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

Mr. Jenkins moved that a committee of free conference of five be appointed on Senate bill No. 405. Carried.

The Speaker appointed Messrs. Jenkins, Robinson, Evans, Tegener and Tinsley as such committee.

UNFINISHED BUSINESS.

Viz.: The motion of Mr. Booty to appoint a committee of free conference on House bill No. 897. The motion was carried.

The Speaker appointed Messrs. Booty, Morrison, J. F. McKee, Jenkins and Elam.

On motion of Mr. Plumley, Mr. Cole was indefinitely excused from Wednesday next.

A message was received from the Senate transmitting for the concurrence of the House, Senate bills Nos. 456, 578, 543, 553, and Senate joint resolution No. 48; also, Senate substitute for House bill No. 17.

By unanimous consent, Mr. Camp, chairman of the Committee on Public Lands and Land Office, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Public Lands and Land Office, to whom was referred Senate bill No. 530, to be entitled "An act to authorize the lifting and floating of valid land certificates in certain cases," have carefully considered the same and have directed me to report it back and recommend its passage.

CAMP, Chairman,
ROBERT ZAPP,
FRITZ TEGENER,
B. B. LACY,
McD. LORANCE,
JOHN R. LYONS.

Senate bill No. 530 was then read and ordered to its third reading; read the third time and passed by the following vote, the yeas and nays having been called for:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Bonner, Camp, Cole, Elam, Ellis, Gardiner, Gaston, Hamilton, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, McLean, Morrison, Moore of Harrison, Pierson, Plumley, Polly, Putnam, Rainey, Robertson, Ross, Schliekum, Schlotman, Shelburne, Sheriff, Simmons, Slaughter, Stirman, Stockbridge, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York—46.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Chambers, Cotton, Cox, Davis, Dorris, Dupree, Franks, Kendall, Medlock, Mitchell, Morris, Patten, Robinson, Self, Tinsley—18.

The title of the bill was agreed to.

The Chief Clerk was dispatched to the Senate with the following House bills, for the concurrence of that body, viz.: Nos. 675, 818, 831, 849, 858, 875, 906, 926 and 759. Also, returning Senate concurrent resolution No. 10, passed by the House without amendment.

COMMITTEE ROOM, }
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Public Lands and Land Office, to whom was referred House bill No. 827, to be entitled "An act to authorize the surveyor of Bastrop county to transcribe the surveyors' records of Bastrop county, and to supply lost records from the General Land Office," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

CAMP, Chairman.
ROBERT ZAPP,
FRITZ TEGENER,
B. B. LACY,
McD. LORANCE,
JOHN R. LYONS.

House bill No. 827 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Hamilton, the rules were suspended and House bill No. 827 read the third time, passed, and its title agreed to.

BUSINESS ON THE SPEAKER'S TABLE.

A communication from the Treasurer, in relation to the mode of business in the Comptroller's office, was read.

On motion of Mr. Slaughter, it was referred to the Select Committee to Examine the Comptroller's and Treasurer's offices.

House joint resolution No. 28, "Joint resolution to defray the expenses of printing the reports of all officers who are required to report to the Governor or the Legislature by section five of 'an act regulating public printing,' approved August 13, 1870," was then taken up.

On motion of Mr. Locke, the following Senate amendment was agreed to: In section one, line five, after the word "Treasury," insert the words "not otherwise appropriated."

Senate bill No. 529, to be entitled "An act supplementary to and amendatory of an act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871," was then read and passed by the following vote

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Richard Allen, Austin, Burley, Chambers, Cole, Cox, Davis, Dorris, Dupree, Ellis, Evans, Franks, Gardiner, Gaston, Hamilton, Hawkins, Jenkins, Jones, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorance, Lyons,

McKee of Guadalupe, McLean, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—64.

Nays—Messrs. H. R. Allen, Bonner, Shelburne—3.

The title of the bill was agreed to.

Senate bill No. 562, to be entitled "An act to incorporate the North Texas Land Company," was read the third time, passed and its title agreed to.

House bill No. 766, to be entitled "An act for the relief of certain settlers in Peters's Colony," was then read.

Mr. Leonard moved to amend by inserting in section one, line eight, after the word "Grayson" the following, "Collin, Dallas, Ellis, Tarrant, Parker, Wise, Denton, Cook."

On motion of Mr. Weaver, the amendment was amended by adding "and Johnson."

The question recurring on the adoption of the amendment as amended, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cox, Dorris, Elam, Ellis, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, Miller, Plumley, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Simmons, Slaughter, Spencer, Stirman, Tegener, Van Noy, Weaver, York—42.

Nays—Messrs. Richard Allen, Cotton, Davis, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Johnson, Kendall Locke, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Polly, Robinson, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—31.

So the amendment as amended was adopted.

On motion of Mr. Leonard, section one, line sixteen, was amended by striking out the words "Grayson county" and inserting in lieu thereof the word "counties."

Mr. Leonard moved a suspension of the rules to put House bill No. 766 on its final passage; upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Camp, Cole, Cox, Elam, Ellis, Evans, Gant, George, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Jones, Johnson, Kyle,

Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, Miller, Pierson, Plumley, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—57.

Nays—Messrs. Richard Allen, Burley, Chambers, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, Kendall, Medlock, Mitchell, Morris, Morrison, Patten, Polly, Robinson, Van Noy—18.

So the rules were suspended and House bill No. 766 was read the third time and passed by the following vote, the yeas and nays having been called for :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Elam, Ellis, Evans, Gant, George, Gaston, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, Miller, Pierson, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Simmons, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Walker, York, Zapp—52.

Nays—Messrs. Richard Allen, Burley, Cotton, Dorris, Dupree, Franks, Gardiner, Grothaus, Hamilton, Kendall, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Polly, Robinson, Sheriff, Shoemaker, Williams of Colorado, Youngkin, Zoeller—23.

The title of the bill was agreed to.

House bill No. 950, to be entitled "An act making an appropriation to supply the deficiencies existing for the fiscal years ending August 31, 1870 and 1871, for fees due district attorneys, district clerks, sheriffs and justices of the peace in felony cases," was then read.

On motion of Mr. Franks, the bill was laid on the table.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed bills, submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills: No. 956, "An act to incorporate the Young Men's Irish Benevolent and Literary Association of Galveston, Texas," No. 957, "An act to amend an act entitled 'an act to regulate the times of holding the courts in the Eleventh Judicial District,' approved October 24, 1871," and No. 958, "An act to authorize the Governor to employ

special counsel in cases in which the State may be interested, and prescribing the manner in which the contracts or accounts for their services shall be approved," and find the same correctly engrossed.

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON,
B. S. SHELBURNE.

Report accepted.

House bill No. 951, to be entitled "An act to establish uniform rates of toll to be charged and collected by proprietors of grist and flour mills in the State of Texas," was read the second time and referred to the Committee on State Affairs.

House bill No. 952, to be entitled "An act to place Peter Rouche upon the pension list," was read the second time and referred to the Committee on Finance.

House bill No. 826, to be entitled "An act to relieve Luther White, of Cherokee county, from occupation tax," was then read; and on motion of Mr. Morris, the motion to reconsider the vote by which the bill was laid on the table November 21, was laid on the table.

Mr. B. F. Williams moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Senate bill No. 505, to be entitled "An act to incorporate the Galveston Paving Company," was read the second time and referred to the Committee on State Affairs.

Senate bill No. 517, to be entitled "An act to incorporate the Cherokee Mining Company," was read the second time and referred to the Committee on Commerce and Manufactures.

Senate joint resolution No. 46, "Joint resolution prescribing the duties of the inspector of the State penitentiary," was read the second time and referred to the Committee on Penitentiary.

Senate joint resolution No. 40, "Joint resolution leasing certain real estate in the city of Austin, the property of the State of Texas, to certain Masonic bodies, for the erection of a Masonic temple thereon," was then taken up.

The question being on the motion to reconsider the vote by which the House laid on the table the joint resolution and substitute, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Hill, H. R. Allen, Austin, Booty, Bonner, Camp, Cox, Dupree, Elam, Evans, Grothaus, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, Miller, Morris, Morrison, Pierson, Plumley, Posey, Putnam, Robb, Robertson, Robinson, Ross, Self, Shelburne, Sheriff, Shoemaker, Simmons, Stockbridge, Tinsley, York, Youngkin, Zapp—43.

Nays--Messrs. Abbott of Austin, Cotton, Dorris, Ellis, Franks, Gant, Gardiner, George, Gaston, Hamilton, Haswell, Hawkins, Locke, McLean, Medlock, Mitchell, Moore of Harrison, Patten, Polly, Rainey, Schlickum, Schlotman, Schütze, Slaughter, Spencer, Stirman, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, Young, Zoeller--33.

So the vote was reconsidered.

The question recurring on the motion to lay on the table the resolution and substitute, the House refused to lay the joint resolution and substitute on the table.

On motion of Mr. Robb, the hall was granted to the different religious denominations for the purpose of celebrating Thanksgiving Day on Thursday next.

On motion of Mr. Plumley, the House at 4:30 o'clock P. M. adjourned until 9 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 28, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No quorum present.

On motion of Mr. Johnson, the House adjourned until 9:15 A. M.

9:15 o'clock A. M.

House called to order. No quorum present.

On motion of Mr. Johnson, the House adjourned until 9:30 o'clock A. M.

9:30 o'clock A. M.

House called to order. Roll called. Quorum present.

Absent, not excused--Mr. Prissick.

On motion of Mr. Franks, the reading of yesterday's journal was dispensed with.

On motion of Mr. Shoemaker, Mr. George was excused from attendance on the House to-day on account of sickness.

By unanimous consent, Mr. Franks introduced the following resolution :

Resolved, That the waste paper at the close of this session be contributed to the messengers and pages.

Resolution read first and second times, and on motion of Mr. Franks, it was adopted.

UNFINISHED BUSINESS.

Viz.: the business on the Speaker's table, Senate joint resolution No. 40, "Joint resolution leasing certain real estate in the city of Austin, the property of the State of Texas, to certain Masonic bodies, for the erection of a Masonic temple thereon."

The question being on the adoption of the substitute therefor, it was adopted in lieu of the original resolution.

On motion of Mr. Schutze, the House reconsidered the vote just taken.

On motion of Mr. Schutze, the further consideration of the resolution was postponed until 11 o'clock A. M.

[Mr. Morris in the chair.]

Senate bill No. 461, to be entitled "An act making appropriations for deficiencies for the support of the State government for the fiscal year beginning September 1, 1871, and ending August 31, 1872," was read the first time; rules suspended, read the second time.

On motion of Mr. Plumley, the rule requiring all bills on their second reading to be referred to committees, was suspended in this case.

On motion of Mr. Locke, the rule requiring all bills making appropriations to be considered in a committee of the whole House was suspended in this case, and Senate bill No. 461 was ordered to its third reading.

Mr. Plumley moved a suspension of the rules to put Senate bill No. 461 on its final passage, upon which the yeas and nays were called for and resulted as follows:

Yeas--Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Burley, Chambers, Cole, Cotton, Cox, Dorris, Dupree, Evans, Franks, Gardiner, Grothaus, Hamilton, Harn, Haswell, Jenkins, Jones, Johnson, Kendall, Lacy, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Moore of Harrison, Patten, Plumley, Posey, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stirman, Stockbridge, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller--49.

Nays---Messrs. Austin, Bonner, Elam, Gant, Gaston, Kyle, Leonard, McLean, Pierson, Polly, Rainey, Robb, Ross, Self, Simmons--15.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Senate bill No. 511, to be entitled "An act for the relief of Dillard Cooper," was read the first time; rules suspended, read the second time.

On motion of Mr. Sinclair, the rule requiring all bills on their second reading to be referred to committees, and the rule requiring all bills making appropriations to be considered in a committee of the whole House were suspended, and Senate bill No. 511 ordered to its third reading.

On motion of Mr. Sinclair, the rules were further suspended, and Senate bill No. 511 read the third time, and passed by the following vote :

Yeas—Messrs. H. R. Allen, Austin, Booty, Burley, Camp, Cole, Cotton, Dupree, Elam, Gardiner, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Lacy, Lane, Leonard, Locke, Lorance, McKee of Guadalupe, McLean, Medlock, Miller, Morris, Patten, Pierson, Plumley, Posey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stirman, Stockbridge, Tinsley, Weaver, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—56.

Nays—Messrs. Bonner, Dorris, Franks, Gant, Gaston, Mitchell, Polly, Rainey—8.

The title of the bill was agreed to.

Senate bill No. 519, to be entitled "An act to aid the available school fund in placing on a sound and durable foundation and maintaining a system of public free schools, and to authorize the negotiation of a loan for the purpose," was read the first time; rules suspended, read the second time and referred to the Committee on Education.

Senate bill No. 579, to be entitled "An act to incorporate the Colorado and Post Oak Island Railroad Company," was read the first time; rules suspended, read the second time.

On motion of Mr. Hamilton, the rule requiring all bills on their second reading to be referred to committees, was suspended and Senate bill No. 579 ordered to its third reading.

On motion of Mr. Hamilton, the rules were further suspended and Senate bill No. 579 read the third time, passed and its title agreed to.

Senate bill No. 583, to be entitled "An act to authorize the city council of the city of Austin to levy and collect a special tax for the establishment, support and maintenance of a fire department in said city," was read the first time; rules suspended, read the second time.

On motion of Mr. Plumley, the rule requiring all bills on their second reading to be referred to committees was suspended, and Senate bill No. 583 ordered to its third reading.

On motion of Mr. Johnson, the rules were further suspended, and

Senate bill No. 583 read the third time, passed, and its title agreed to.

REPORTS OF COMMITTEES.

Mr. J. E. McKee, chairman of the Committee on Private Land Claims, submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Private Land Claims to whom was referred Senate bill No. 534, to be entitled "An act for the relief of Ezekiel W. Cullen," after due consideration, beg leave to report that they find from the testimony of Colonel Johnson (who received General Cos's surrender) that said Ezekiel W. Cullen was a good and faithful soldier at San Antonio in 1835, and in all the fighting then and there. Said services are also confirmed by the statements of ex-Governor Pease, Colonel Thomas F. McKinney, and many other reliable witnesses. The premises considered, and as an act of justice to an old and tried soldier of the Republic, your committee recommend the passage of the bill.

Respectfully,

J. F. McKEE, Chairman,
J. C. JENKINS,
W. C. PIERSON,
F. SCHLICKUM,
SLAUGHTER,
LACY.

Senate bill No. 534 was then read and passed to its third reading, read the third time, passed, and its title agreed to.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 827, entitled "An act authorizing the surveyor of Bastrop county to transcribe the surveyors' records of Bastrop county, and to supply lost records from the General Land Office;" No. 928, entitled "An act to provide for the reimbursement of the citizens of Limestone and Freestone counties for taxes levied under the procla-

mation of the Governor placing said counties under martial law, dated October 9, 1871, and to compensate them for property seized by the military authorities in said counties, and making an appropriation therefor," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Report accepted.

On motion of Mr. Schutze, the rules were suspended to allow Mr. Gardiner, chairman of the Committee on Claims and Accounts, to submit the following report:

COMMITTEE ROOM,
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Claims and Accounts, to whom was referred House bill No. 855, to be entitled "An act to authorize and require the payment of certain claims against the State," have carefully considered the same, and report it back, recommending its passage.

Respectfully,

C. W. GARDINER, Chairman,
W. G. ROBINSON,
H. H. VAN NOY,
C. J. STOCKBRIDGE.

Dissenting:

HARN.

House bill No. 855 was then read, and ordered to be engrossed and passed to its third reading.

On motion of Mr. Franks, the rules were suspended, and House bill No. 855 read the third time, passed, and its title agreed to.

Mr. Franks, chairman of the Committee on Judiciary, submitted the following reports:

COMMITTEE ROOM,
Austin, Nov. 18, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 790, to be entitled "An act for the authentication of the records of the County Court of Galveston county, sitting for the settlement of the estates of deceased persons, etc., during the terms of said court holden from and after the first day of July, A. D. 1858, unto the thirtieth day of August A. D. 1864," have had the

same under consideration, and recommend the passage of the accompanying substitute for said bill,

Respectfully,

FRANKS, Chairman,
F. E. GROTHAUS,
J. D. GEORGE,
W. P. McLEAN,
J. W. ROBERTSON,

Dissenting:

J. E. HAWKINS,
W. J. LOCKE,
A. D. ELAM.

House bill No. 790 was then read.

The substitute recommended by the committee was then read and adopted, and ordered to be engrossed and passed to its third reading.

On motion of Mr. Plumley the rules were suspended, and House bill No. 790 read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 20, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 203, to be entitled "An act to repeal so much of an act entitled 'an act to authorize and require the clerks of the district courts of Titus, Travis and San Augustine counties to apportion the causes on the dockets of said courts as relates in any manner to Travis county,' etc., have carefully considered the same, and recommend the passage of the accompanying substitute.

Respectfully,

F. G. FRANKS, Chairman,
J. W. ROBINSON,
ANDREW D. ELAM,
J. E. HAWKINS,
F. E. GROTHAUS,
J. D. GEORGE,
W. P. McLEAN,
MORRISON,
YOUNG,
ROBERT ZAPP,
W. J. LOCKE.

Senate bill No. 203 was then read.

The substitute recommended by the committee was then read and adopted in lieu of the original bill, and ordered to its third reading.

Senate bill No. 203 was read the third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred substitute Senate bill No. 364, to be entitled 'An act to establish a manual labor, poor house and convict labor system in each county in the State,' having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
J. D. GEORGE,
JOHN W. ROBERTSGN,
ANDREW D. ELAM,
MORRISON,
GROTHAUS,
YOUNG,
ROBERT ZAPP.

Senate bill No. 364 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 84, to be entitled "An act providing for *pro tem.* district judges in the county of Lamar," having carefully considered the same, beg leave to report back, and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBT. ZAPP,
GEORGE,
A. D. ELAM,
GROTHAUS.

On motion of Mr. Franks the report of the committee was adopted, and Senate bill No. 84 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 23, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred, Senate bill No. 565, to be entitled "An act further prescribing the time of holding the term of the district court in the Eighth Judicial

District," having carefully considered the same, beg leave to report back, and recommend its passage,

Respectfully,

F. G. FRANKS, Chairman,
JOHN H. MORRISON,
H. W. YOUNG,
ROBERT ZAPP,
W. P. McLEAN,
ANDREW D. ELAM,
JOHN W. ROBERTSON,
F. E. GROTHAUS,
J. D. GEORGE,

Senate bill No. 565 was then read and ordered to its third reading.

Senate bill No. 565 was then read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 291, to be entitled "An act to authorize a change of venue in causes pending in the district courts pertaining to estates of deceased persons and guardianship," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
A. D. ELAM,
ROBERT ZAPP,
GROTHAUS,
GEORGE.

On motion of Mr. Franks, the report was adopted and Senate bill No. 291 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 499, to be entitled "An act in relation to the change of venue in certain cases," having carefully considered the same, beg leave to report back, and recommend the adoption of the following amendments: After the word "relationship," in line seven, section

one, insert "where a special judge cannot be agreed upon." Also, in line nine, strike out the word "not."

FRANKS, Chairman,
GEORGE,
ROBT. ZAPP,
A. D. ELAM,
GROTHAUS.

On motion of Mr. Franks, the amendments recommended by the committee were adopted, and Senate bill No. 499 was ordered to its third reading.

Senate bill No. 499 was then read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred Senate bill No. 296, to be entitled "An act to incorporate the law department of the Texas University," having carefully considered the same, beg leave to report back, and recommend its passage.

F. G. FRANKS, Chairman,
ROBT. ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

Senate bill No. 296 was then read and ordered to its third reading.

Senate bill No. 296 was read the third time, passed, and its title title agreed to.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 919, to be entitled "An act amending the second section of an act entitled 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," have had the same under consideration, and recommend that the bill be laid on the table.

F. G. FRANKS, Chairman,
GROTHAUS,
GEORGE,
ROBERT ZAPP,
A. D. ELAM.

On motion of Mr. Franks the report was adopted, and House bill No. 919 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 753, to be entitled "An act to provide for the registration of births, marriages and deaths in this State," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP;
GEORGE,
GROTHAUS,
A. D. ELAM.

House bill No. 753 was then read and ordered to be engrossed, and passed to its third reading.

On motion of Mr. Franks, the rules were suspended, House bill No. 753 read the third time, passed and its title agreed to.

A message was received from the Senate returning to the House, House bills Nos. 910, 933, 932, 937, 869, 838, 891 and 634, passed by the Senate without amendments.

Also, transmitting for the concurrence of the House, Senate bills Nos. 556, 395, 573, 586 and 558.

Reports of Judiciary Committee resumed:

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 895, to be entitled "An act to amend section thirty-four of 'an act to organize the courts of justices of the peace and county courts, and to define their duties and jurisdiction,' approved August 13, 1870," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM,

House bill No. 895 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Elam, the rules were suspended and House bill No. 895 read the third time, passed and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 743, to be entitled "An act to provide for reducing the number of judicial districts in the State of Texas," having carefully considered the same, beg leave to report back, and recommend that it be referred to the special committee for re-districting the State of Texas into judicial districts

Respectfully,

F. G. FRANKS, Chairman,
ROBT. ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. Franks, the report of the committee was adopted, and House bill No. 743 referred as recommended.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have carefully examined the following House bills, to-wit: No. 938, to be entitled "An act amendatory of section two of 'an act for ceding to the United States jurisdiction of certain lands in this State for public purposes,' approved December 19, 1849;" No. 741, to be entitled "An act to incorporate the Dallas and Wichita Railroad Company;" No. 867, to be entitled "An act supplementary to an act supplementary to and amendatory of 'an act to regulate railroad companies, approved February 7, 1853,' approved December 19, 1857;" No. 785, to be entitled "An act to incorporate the North Texas Agricultural, Mechanical and Blood Stock Association," and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman,
GROTHAUS,
POSEY,
SHOEMAKER.

Report accepted.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 556, to be entitled "An act amendatory of an act entitled 'an act amendatory of an act to punish certain offenses committed on Sunday,' approved December 16, 1863," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. Grothaus, the report of the committee was adopted, and House bill No. 556 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee on Judiciary, to whom was referred House bill No. 914, to be entitled "An act to enable district clerks, justices of the peace, sheriffs and constables to demand and receive their fees of office before issuing or serving processes in civil cases," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
GROTHAUS,
GEORGE,
A. D. ELAM.

On motion of Mr. Franks, the report of the committee was adopted, and House bill No. 914 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 616, to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors in the vicinity of La Varnia Male

and Female Academy," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. Grothaus, the report of the committee was adopted and House bill No. 616 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 540, to be entitled "An act to protect persons assembled for religious worship," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
A. D. ELAM,
ROBERT ZAPP,
GEORGE,
GROTHAUS.

On motion of Mr. Franks, the report of the committee was adopted and House bill No. 540 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee on Judiciary, to whom was referred House bill No. 570, to be entitled "An act to establish a uniform maximum rate of charges for the transportation of passengers and freight on all roads in the State," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. Grothaus, the report of the committee was adopted, and House bill No. 570 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 916, to be entitled "An act limiting the rates of charges on railroad transportation within the State of Texas," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. G. FRANKS, Chairman,
GEORGE,
GROTHAUS,
A. D. ELAM,
ROBERT ZAPP.

On motion of Mr. Franks the further consideration of House bill No. 916 was postponed and made the special order for to-morrow at 11 o'clock A. M.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 428, to be entitled "An act for the relief of Add-niram Judson Teague," having carefully considered the same, beg leave to report back, and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
GEORGE,
ROBT. ZAPP,
GROTHAUS,
A. D. ELAM.

On motion of Mr. Franks, the report of the committee was adopted, and House bill No. 428 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 558, to be entitled "An act to provide for the appointment of a phonographic reporter to the Supreme Court of the

State," having carefully considered the same, beg leave to report back, and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. R. Allen, the report of the committee was adopted, and House bill No. 558 laid on the table.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary to whom was referred House bill No. 554, to be entitled "An act to amend the thirtieth section of an act entitled 'an act to organize the courts of justices of the peace and county courts and to define their jurisdiction and duties,' approved August 13, 1870," having carefully considered the same beg leave to report back and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman.
ROBERT ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. R. Allen, the report of the committee was adopted and House bill No. 554 laid on the table.

Mr. Jenkins, chairman of the committee of free conference on Senate bill No. 405, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 27, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate :

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

GENTLEMEN: Your committee of free conference, to whom was submitted Senate bill No. 405, having fully conferred upon the same,

beg leave to recommend that the Senate concur in the House amendment thereto.

Respectfully submitted,

E. B. PICKETT,
G. T. RUBY,

Conference managers on part of the Senate.

J. C. JENKINS,
IRA H. EVANS,
FRITZ TEGENER,
W. G. ROBINSON,
A. D. TINSLEY,

• Conference managers on part of the House.

On motion of Mr. Franks, the report was adopted.

Reports of the Committee on Judiciary resumed:

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 372, to be entitled "An act to secure property exempt from forced sale," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. R. Allen, the report of the committee was adopted and the bill laid on the table.

COMMITTEE ROOM, }
Austin, May 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 629, to be entitled "An act defining the offense of trespass, and prescribing the punishment therefor," having had the same under consideration, report it back and recommend that it be laid on the table.

Respectfully,

J. W. ROBERTSON, Chairman,
F. G. FRANKS,
J. C. JENKINS,
F. E. GROTHAUS,
WM. PRISSICK.

On motion of Mr. R. Allen, the report of the committee was adopted, and House bill No. 629 laid on the table.

COMMITTEE ROOM,
Austin, May 5, 1871. }

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House joint resolution No. 20, to be entitled "Joint resolution to provide for amending section forty-six, article twelve, of the Constitution," having duly considered the same, respectfully report it back, and recommend its passage, with the following amendment, to-wit: Amend by inserting after the word "Constitution," in line six, of section one, the following words: "which reads as follows: It shall be the duty of the Legislature, after the adoption of the Constitution, to levy a special road tax upon all the taxable property of all persons in this State, and appropriate the same to the building of bridges, and the improvement of the public roads in the different counties of the State, under such rules and regulations as the Legislature shall provide, and no law shall be passed requiring the personal services of any portion of the people on the public roads."

Respectfully submitted,

J. W. ROBERTSON, Chairman,
J. C. JENKINS,
F. G. FRANKS,
F. E. GROTHAUS,

Dissenting:

WILLIAM PRISSICK.

On motion of Mr. Franks, House joint resolution No. 20 was laid on the table.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 893, to be entitled "An act to amend section two of an act entitled 'an act defining the homestead and other property exempt from forced sale in this State,' " having carefully considered the same, beg leave to report back, and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman.
A. D. ELAM,
GEORGE,
ROBT. ZAPP,
GROTHAUS.

On motion of Mr. Franks, the report of the committee was adopted, and House bill No. 893 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 904, to be entitled "An act to amend section one of an act entitled 'an act to amend the eleventh section of an act to provide for the registration of deeds and other instruments of writing,' approved May 12, 1846," have had the same under consideration, and recommend it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. Grothaus, the report of the committee was adopted and House bill No. 904 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 523, to be entitled "An act to prohibit taxation on the sale of religious and moral works," having carefully considered the same, beg leave to report back and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
A. D. ELAM,
GEORGE,
GROTHAUS,
ROBERT ZAPP.

Mr. Austin moved to amend as follows: Strike out all after the word "Bible" and insert in lieu thereof "or any map, chart or drawing that may be used to explain the teachings of the Bible."

On motion of Mr. Grothaus, the amendment was laid on the table, taking with it House bill No. 523.

Mr. Austin moved a reconsideration of the vote just taken.

The House decided to reconsider.

The question then recurring on the motion of Mr. Grothaus to lay the amendment on the table, the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Dupree, Ellis, Franks, Gant, Grothaus, Haswell, Hawkins, Lacy, McLean, Miller, Mitchell, Moore of Harrison, Robinson, Schlickum, Schlotman, Self, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Tegener, Tinsley, Zapp—24.

Nays—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Burley, Cotton, Cox, Davis, Dorris, Evans, Gaston, Hamilton, Harn, Jones, Kendall, Kyle, Lane, Leonard, Lorange, Lyons, Medlock, Morris, Patten, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robertson, Ross, Schutze, Shelburne, Stirman, Stockbridge, Weaver, Williams of Colorado, Williams of Walker, Young—38.

So the House on reconsideration refused to lay the amendment on the table.

The question then recurred on the adoption of the amendment. It was adopted, and House bill No. 523 ordered to be engrossed, and passed to its third reading by the following vote, the yeas and nays having been called for:

Yeas—Messrs. Abbott of Austin, Abbott of Hill, Austin, Burley, Camp, Chambers, Davis, Dorris, Evans, Gaston, Hamilton, Harn, Haswell, Jones, Kendall, Kyle, Lane, Leonard, Lorange, Lyons, Morris, Moore of Harrison, Pierson, Plumley, Polly, Posey, Rainey, Robertson, Ross, Shelburne, Simmons, Stirman, Stockbridge, Weaver, Williams of Colorado, Williams of Walker, Young—37.

Nays—Messrs. H. R. Allen, Richard Allen, Cotton, Dupree, Ellis, Franks, Gant, Gardiner, Grothaus, Hawkins, Lacy, McLean, Medlock, Miller, Mitchell, Patten, Putnam, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Tegener, Tinsley, Zapp, Zoeller—29.

11 o'clock, A. M.

SPECIAL ORDER,

Viz.: House bill No. 744, to be entitled "An act supplemental to an act entitled 'an act in relation to the Missouri, Kansas and Texas Railway Company, late Union Pacific Railway Company, Southern Branch,' passed August 2, 1870."

Mr. Jones moved to lay House bill No. 744 on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Booty, Burley, Camp, Chambers, Cotton, Davis, Dupree, Elam, Ellis, Evans, Gardiner, Gaston, Harn, Haswell, Jones, Kendall, Lacy, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Posey, Putnam, Robinson, Ross, Schlickum, Self, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, York, Zapp—42.

Nays—Messrs. Bonner, Gant, Grothaus, Hamilton, Hawkins, Jenkins, Johnson, Kyle, Lane, Leonard, McLean, Miller, Polly, Rainey, Robb, Robertson, Schutze, Shelburne, Simmons, Stirman, Tegener, Weaver, Williams of Walker, Young—24.

So House bill No. 744 was laid on the table.

Mr. Posey moved to reconsider the vote just taken.

Mr. Stockbridge moved to lay the motion to reconsider on the table; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Chambers, Cotton, Davis, Dupree, Elam, Evans, Gardiner, Gaston, Grothaus, Harn, Jones, Lacy, Lyons, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Putnam, Rainey, Robertson, Robinson, Ross, Self, Sheriff, Stockbridge, Tegener, Tinsley, York, Zapp—37.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Dorris, Ellis, Gant, Hamilton, Haswell, Hawkins, Jenkins, Kendall, Kyle, Lane, Leonard, McKee of Guadalupe, McLean, Miller, Polly, Posey, Robb, Schlickum, Schlotman, Shelburne, Simmons, Stirman, Weaver, Williams of Walker, Young—29.

So the motion to reconsider was laid on the table.

The following veto message was received from his Excellency, Governor E. J. Davis, by the hands of his Private Secretary:

GOVERNOR'S OFFICE,
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return, for reconsideration, to the House of Representatives, where it originated, the act entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns and for the protection and purity of the ballot box,' approved August 15, 1870."

This act is intended as a substitute for section seven of the election law of August 15, 1870, but section seven of that law provides for the election of members of Congress, which this one omits to do, and thus leaves us without a day of election for those officers.

Again, this act differs remarkably from the section for which it is a substitute in providing for the election of "all county officers made properly elective at that time by the Constitution and laws of this State." It will be noticed that the word "properly" before the word "elective," and the words "at that time" after the same word "elective" are not in the section for which this is a substitute. Now, there is no provision in the Constitution or any of the laws of this State making county officers "pro-

perly elective *at that time*," or any other time short of the day of general election for State and county officers, or four years after the general election in 1869. The law commonly known as "the enabling act," authorized the Governor to fill certain vacancies in county offices until the next general election; but an election to fill a vacancy is special in its nature, and the office, under the Constitution and laws, is not "properly elective at that time," but only at the time that the term thereof expires according to the provision of the constitution or law which creates the office.

Again, this act does not provide for an election for municipal authorities of cities. It might, however, have been supposed by the Legislature, that the terms of the said "enabling act" covered the case, and that elections could be held thereunder for those officers in August; but this is not so, as it will be seen on examination of the various acts of incorporation of cities and towns, that in most of these there is a provision made for the first election in November, 1872.

The act under consideration is, therefore, very objectionable, in this, that it will create uncertainty and confusion as to time of election and tenure of office of a great number of elective officers, and accordingly should not pass in this shape.

But there is another and, I think, more serious objection. In August, 1870, more than a year since, the election law, to which this is proposed as a substitute, was enacted. There was then good ground for argument as to the propriety of a postponement of the election to so late a day as the first Tuesday after first Monday in November, 1872. Many reasons might have been advanced in favor of an election, at least for members of the Legislature, during the past fall; but the appropriate time elapsed, and now it is questionable whether any good can result from a change of the day sufficient to counterbalance the expense and inconvenience and the public excitement and disturbance attending two general elections within the next year, and ninety days apart—that is to say, an election under this act on the first Tuesday in August, and another in November, under the act of Congress for electors of President and Vice President.

It is further to be objected, that this act proposes to perpetuate the arrangement for two general elections, some ninety days apart, every second year, because it is understood that the Congress of the United States will soon fix the Congressional election on the same day as that for electors of President. It is certainly an unnecessary and inconvenient arrangement.

Very respectfully,
EDMUND J. DAVIS, Governor.

Laid over under the rules.

11:30 o'clock, A. M.

SPECIAL ORDER,

Viz.: Senate joint resolution No. 40.

Mr. Robertson moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being first on the adoption of the substitute, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Booty, Camp, Chambers, Cotton, Cox, Davis, Dorris, Dupree, Elam, Evans Franks, Grothaus, Harn, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Lyons, McKee of Guadalupe, Miller, Morris, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Self, Shelburne, Shoemaker, Simmons, Stirman, Stockbridge, Tinsley, Williams of Walker, York, Youngkin—49.

Nays—Messrs. Bonner, Burley, Ellis, Gant, Gardiner, Gaston, Hamilton, Hawkins, McLean, Medlock, Mitchell, Morrison, Moore of Harrison, Patten, Schlickum, Schlotman, Schutze, Sheriff, Tegener, Weaver, Young—21.

So the substitute for Senate joint resolution No. 40 was adopted.

The question then recurring on ordering the resolution to its third reading the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Davis, Dupree, Elam, Evans, Grothaus, Harn, Haswell, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, McKee of Guadalupe, Morris, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Self, Shelburne, Shoemaker, Simmons, Stirman, Stockbridge, Tinsley, Williams of Walker, York, Youngkin, Zapp—48.

Nays—Messrs. Richard Allen, Burley, Cotton, Dorris, Ellis, Franks, Gant, Gardiner, Gaston, Hamilton, Hawkins, McLean, Medlock, Mitchell, Morrison, Moore of Harrison, Patten, Schlickum, Schlotman, Schutze, Sheriff, Spencer, Tegener, Weaver, Young—25.

So Senate joint resolution No. 40 was ordered to its third reading, read the third time, passed, and on motion of Mr. Robertson the title was amended so as to read as follows: "Joint resolution leasing certain real estate in the city of Austin, the property of the State of Texas, to certain charitable institutions, for the erection of a temple thereon;" and, as amended, it was adopted.

On motion of Mr. Haswell, the chairman of the Committee on Enrolled Bills was authorized to employ two additional clerks.

On motion of Mr. Plumley, the Speaker was authorized to employ two additional clerks.

Reports of the Judiciary Committee resumed :

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 894, to be entitled "An act to suspend the levy or issue of executions in certain cases," having carefully considered the same, beg leave to report back, and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBT. ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. Franks, the report of the committee was adopted, and House bill No. 894 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 543, to be entitled "An act authorizing county courts to prohibit the sale of intoxicating liquors within certain boundaries," having carefully considered the same, beg leave to report back, and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
ROBT. ZAPP,
GEORGE,
A. D. ELAM,
GROTHAUS.

On motion of Mr. Franks, the report of the committee was adopted, and House bill No. 543 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Judiciary, to whom was referred House bill No. 872, to be entitled "An act concerning proceedings

in justices courts in certain cases," having carefully considered the same, beg leave to report back, and recommend that it be laid on the table.

Respectfully,

F. G. FRANKS, Chairman,
A. D. ELAM,
GEORGE,
ROBT. ZAPP,
GROTHAUS.

On motion of Mr. Grothaus, the report of the committee was adopted, and House bill No. 872 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Judiciary, to whom was referred House bill No. 879, to be entitled "An act to amend an act entitled 'an act to provide for the salary and fees of district attorneys,' approved August 11, 1870," having carefully considered the same, beg leave to report back and recommend that it do pass.

Respectfully,

F. G. FRANKS, Chairman,
ROBERT ZAPP,
GEORGE,
GROTHAUS,
A. D. ELAM.

On motion of Mr. Franks, House bill No. 879 was laid on the table.

Mr. Haswell, chairman of the Committee on Enrolled bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following House bills to-wit: No. 867, "An act supplementary to 'an act supplementary to an act supplementary and amendatory of an act to regulate railroad companies, approved February 7, 1853,' approved December 19, 1857;" No. 741, "An act to incorporate the Dallas and Wichata Railroad Company;" No. 938, "An act amendatory of section two of 'an act for ceding to the United States jurisdiction of certain lands in the State for public purposes,'

approved December 19, 1849;" No. 785, "An act to incorporate the North Texas Mechanical, Agricultural and Blood Stock Association.

G. T. HASWELL, Chairman.

Report accepted.

On motion of Mr. Morris, the rules were suspended to take up House bill No. 117.

On motion of Mr. Morris, the House agreed to the Senate substitute therefor.

The Chief Clerk was dispatched to the Senate with the following House bills for the concurrence of that body, viz.: Nos. 957, 956 and 827. And returning Senate bills Nos. 530, 562, 529, 511, 579, 583, 534 and 455, which the House had passed without amendment.

Also informing that body that the House had agreed to the Senate amendments to House joint resolution No. 28.

And transmitting for the signature of the President enrolled House bills Nos. 785, 867, 741 and 938, which were signed by the President of the Senate and returned to the House.

On motion of Mr. Posey, the rules were suspended, and Senate joint resolution No. 11, "Joint resolution allowing the sum of \$354 17 to Dr. S. W. Baker, late Superintendent of the Blind Asylum, for the use of a horse and buggy," taken up out of its regular order, and made the special order for to-morrow at 10:30 A. M.

On motion of Mr. Plumley, the rules were suspended to allow the introduction of

BILLS AND JOINT RESOLUTIONS.

Mr. Kyle introduced a joint resolution (House joint resolution No. 42) "Joint resolution concerning the Fire Department of Austin city," which was read the first time.

Mr. Miller introduced a bill (House bill No. 959) to be entitled "An act to incorporate the International, Belton and Pacific Railway Company," which was read the first time; rules suspended, read second time, and referred to the Committee on Internal Improvements.

Mr. Slaughter introduced a bill (House bill No. 960) to be entitled "An act to incorporate the Tyler Tap Railroad Company," which was read the first time; rules suspended and read the second time.

On motion of Mr. Slaughter, the rule requiring all bills on their second reading to be referred to committees was suspended in this

case, and House bill No. 960 was ordered to be engrossed and passed to its third reading.

On motion of Mr. Slaughter, the rules were further suspended, House bill No. 960 read the third time, passed and its title agreed to.

Mr. Miller introduced a bill (House bill No. 961) to be entitled "An act to incorporate the Bell county Agricultural, Mechanical and Blood Stock Association," which was read the first time; rules suspended and read the second time.

On motion of Mr. Locke, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 961 was ordered to be engrossed, and passed to its third reading.

On motion of Mr. Jenkins, the rules were further suspended, House bill No. 961 read the third time, passed and its title agreed to.

Mr. Plumley introduced a bill (House bill No. 962) to be entitled "An act to amend an act entitled 'an act to incorporate the Eastern Texas Railroad Company,' approved January 10, 1860," which was read the first time.

Mr. Harn introduced the following bills, which were read the first time, viz.: A bill (House bill No. 963) to be entitled "An act to incorporate the Wallace Prairie Real Estate Joint Stock Company;" and a bill (House bill No. 964) to be entitled "An act to incorporate the Grimes county Agricultural Society."

Mr. Elam introduced the following bills, which were read the first time: a bill (House bill No. 965) to be entitled "An act making an appropriation to meet the deficiencies under the act of 1870, granting pensions to the veterans of the revolution which separated Texas from Mexico," and a bill (House bill No. 966) to be entitled "An act making an appropriation for the unexpired part of the fiscal year 1871, to pay pensions to the veterans of the Texas revolution."

Mr. Shoemaker introduced a bill (House bill No. 967) to be entitled "An act to incorporate Ark Lodge No. 59, I. O. O. F., at Hallettsville, Lavaca county, Texas," which was read the first time.

Mr. Bóoty, chairman of the committee of free conference on House bill No. 897, submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 28, 1871. }

Hon. WEBSTER FLANAGAN,

President of the Senate:

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

GENTLEMEN: The free conference committee, to whom was referred the matter of differences between the two Houses, in regard to House bill No. 897, to be entitled "An act to release to the county of

Houston the State tax for the year 1871, for the completion of a court house and jail in said county," having duly considered the questions involved, recommend: first, the House adopt the Senate amendments; second, amend the caption of the bill so as to read "An act to release to certain counties the State tax for the year 1871."

Respectfully submitted,

W. H. BOWERS,

Chairman of Senate Committee.

A. J. BOOTY,

Chairman of House Committee.

On motion of Mr. Booty, the report of the committee of free conference was adopted.

Mr. Plumley moved that the House adjourn until 3:30 P. M. Lost.

Mr. Booty moved that the House adjourn until 10 o'clock A. M. to-morrow. Lost.

Mr. Plumley moved that the House adjourn until 7:30 P. M. Lost.

On motion of Mr. C. L. Abbott, the House at 12:30 P. M. adjourned until 3:30 o'clock this P. M.

AFTERNOON SESSION.

3:30 O'CLOCK P. M.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

By unanimous consent, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 766. "An act for the relief of certain settlers in Peters's Colony;" No. 790, "An act to authenticate the records of the County Court of Galveston county, sitting for the settlement of the

estates of deceased persons, etc., during the time of said court, holding from and after the first day of July, A. D. 1858, unto the thirtieth day of August, 1864;" No. 855, "An act authorizing and requiring the payment of certain claims against the State," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
B. S. SHELBURNE,
W. G. ROBINSON.

Report accepted.

UNFINISHED BUSINESS,

Viz.: the first reading of House bill No. 976, to be entitled "An act to incorporate Ark Lodge No. 59, I. O. O. F., at Hallettsville, Lavaca county, Texas."

The rules were suspended, and House bill No. 967 read the second time.

On motion of Mr. Harn, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 967 ordered to be engrossed and passed to its third reading.

On motion of Mr. Shoemaker the rules were further suspended, and House bill No. 967 read the third time, passed, and its title agreed to.

A message was received from the Senate transmitting for the signature of the Speaker Enrolled Senate bills Nos. 544, 546, 529, 515, 435, 489, 496 and 508 which were signed by the Speaker and returned to the Senate. The Secretary of the Senate also announced the request of the Senate to have returned to that body Senate bill No. 456, which request was granted, and the Chief Clerk dispatched to the Senate returning said bill.

On motion of Mr. Plumley, the rules were suspended to allow him to introduce a joint resolution, (No. 43) "Joint resolution authorizing the Treasurer of the State of Texas to draw requisition upon the Comptroller for the purpose of negotiating a temporary loan," which was read the first time.

On motion of Mr. Plumley, the rules were suspended and the joint resolution read the second time.

Mr. Plumley moved that the rule requiring all bills and resolutions on their second reading to be referred to committees be suspended in this case, upon which the yeas and nays were called for and resulted as follows:

Yeas.—Messrs. Abbott of Austin, H. R. Allen, Richard Allen,

Bonner, Burley, Camp, Cotton, Dorris, Dupree, Evans, Gardiner, Grothaus, Hamilton, Harn, Haswell, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Patten, Pierson, Plumley, Polly, Putnam, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Shelburne, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—49.

Nays—Messrs. Austin, Booty, Chambers, Cox, Elam, Franks, Gant, Gaston, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Morris, Rainey, Self, Simmons, Stirman, Zapp—22.

So the rule was suspended.

On motion of Mr. Evans, the joint resolution was amended by striking out the word "enacted" in the first section and inserting in lieu thereof "resolved."

House joint resolution No. 43 was then ordered to be engrossed, and passed to its third reading.

On motion of Mr. Plumley, the rules were suspended, and House joint resolution No. 43 read the third time.

Mr. Hawkins moved to amend by inserting "district judges and district attorneys."

Mr. Schutze moved the previous question. Previous question seconded.

The question recurring "Shall the main question be now put?" the main question was ordered.

The question being first on the adoption of the amendment offered by Mr. Hawkins, the House refused to adopt the amendment.

House joint resolution No. 43 was then passed and its title agreed to.

The Chief Clerk was dispatched to the Senate, transmitting for the concurrence of that body House bills Nos. 766, 790 and 855. And returning Senate bills Nos. 296, 364, 499 and 565, which the House had passed without amendments.

Also, Senate bill No. 203 with substitute, and Senate joint resolution No. 40 with amendment.

Also, informing the Senate that the House had adopted the report of the committee of free conference on House bill No. 897. And that the House had adopted the Senate substitute for House bill No. 117.

Also, transmitting for the signature of the President enrolled House bills Nos. 99, 691, 809, 838, 931 and 933, and House joint resolution No. 28, which were signed, and returned by the Secretary of the Senate, who also, transmitted for the concurrence of the House Senate bills Nos. 588, 531, 589 and 456. And returning

House bills Nos. 957, 908, 831, 868 and 848, which the Senate had passed without amendment, and No. 19 passed with amendment.

On motion of Mr. Harn, the rules were suspended to take up the business on the Speaker's table.

The veto message of the Governor, returning House bill No. 177, to be entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box,' approved August 15, 1870," was then read.

On motion of Mr. Schutze, House bill No. 177, and the veto message of the Governor, were referred to a select committee of three, with instructions to report to-morrow at 11 o'clock A. M.

The chair appointed as such committee Messrs. Schutze, Slaughter and Booty.

On motion of Mr. Grothaus, House bill No. 19, to be entitled "An act to incorporate the Indianola Dredging Company, as herein specified," was read, and the House agreed to the following Senate amendments, viz: Amend section six by adding the following: "*Provided* that no vessel drawing three feet of water or less, shall be subject to the above tariff of charges."

House bill No. 928, to be entitled "An act to provide for the reimbursement of the citizens of Limestone and Freestone counties, for taxes levied under the proclamation of the Governor, placing said counties under martial law, dated October 9, 1871, and to compensate them for property seized by the military authorities in said counties, and making an appropriation therefor," was read the third time, and the House refused to pass the same by the following vote, two-thirds of the members present voting in the affirmative:

Yeas—Messrs. Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Gant, Gaston, Grothaus, Harn, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Simmons, Stirman, Tegener, Van Noy, Weaver, Young, Zapp, Zoeller—42.

Nays—Messrs. Abbott of Austin, Burley, Cotton, Dorris, Dupree, Franks, Gardiner, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Robinson, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin—25.

Mr. Robertson raised the point of order, that a majority vote passed the bill.

The speaker decided the point of order not well taken.

Messrs. Robertson and Booty appealed from the decision of the Chair.

Mr. Locke moved to lay the appeal on the table.

Mr. Robertson moved a call of the House. Call sustained.

On motion of Mr. Kyle the Sergeant-at-Arms was dispatched for the absentees, Messrs. Davis, Ellis, George, McLean, Mitchell, Moore of Harrison, Posey and Prissick.

Mr. Burley moved a suspension of the call of the House; upon which the yeas and nays were called for, and resulted as follows:

Yeas---Messrs. Abbott of Austin, Richard Allen, Bonner, Burley, Camp, Cotton, Cox, Dorris, Dupree, Elam, Franks, Gardiner, Grothaus, Hamilton, Haswell, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller---39.

Nays---Messrs. H. R. Allen, Austin, Chambers, Cole, Evans, Gant, Gaston, Harn, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Simmons, Spencer, Stirman, Tegener, Van Noy, Weaver---35.

So the call of the House was suspended.

On motion of Mr. Haswell, he, as chairman of the Committee on Enrolled Bills, was authorized to employ such additional clerical force on said committee as was absolutely necessary.

Mr. Hawkins moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas---Messrs. Austin, Booty, Bonner, Camp, Cole, Elam, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, Putnam, Rainey, Robertson, Ross, Schlickum, Schutze, Self, Sheriff, Simmons, Spencer, Tegener, Van Noy, Weaver, Young---34.

Nays---Messrs. Abbott of Austin, H. R. Allen, Richard Allen Burley, Chambers, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, Hamilton, Harn, Haswell, Johnson, Kendall, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Patten, Pierson, Plumley, Polly, Robb, Robinson, Schlotman, Shelburne, Shoemaker, Stirman, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller---40.

So the House refused to adjourn.

Mr. Robinson moved a reconsideration of the vote by which the House on yesterday passed Senate bill No. 526, to be entitled "An act to amend 'an act to incorporate the City of Jefferson.'"

Mr. Haswell, chairman of the Committee on Enrolled Bills submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following House bills, to-wit: No. 838, "An act to amend the third section of 'an act to incorporate the Galveston Bay Dredging Company,' passed June 30, 1870;" No. 933, "An act to repeal sections one, two and three of 'an act providing for the payment of the outstanding indebtedness of the several counties, passed July 21, 1871;" No. 99, "An act to incorporate the Cleburne and Cross Timber Railway Company;" No. 691, "An act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled 'an act regulating public printing,' approved August 13, 1870;" No. 936, "An act to regulate practice in the Supreme Court;" No. 809, "An act to incorporate the Lone Star Ferry Company;" No. 28, "Joint resolution to defray the expenses of printing the reports of all officers who are required to report to the Governor or the Legislature by section five of 'an act regulating public printing,' approved August 13, 1870," and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman,
GROTHAUS,
SHOEMAKER,
POSEY.

Report accepted.

On motion of Mr. Plumley, the further consideration of the motion of Mr. Locke to lay on the table the appeal taken by Mr. Robertson from the decision of the Chair was postponed and made the special order for 10:30 o'clock A. M. to-morrow.

Mr. Locke moved that the House adjourn until 7 o'clock P. M.
Lost.

Mr. Gant moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Austin, Booty, Bonner, Camp, Cole, Cotton, Dorris, Dupree, Elam, Franks, Gant, Gardiner, Gaston, Grothaus, Hamilton, Hawkins, Jenkins, Jones, Kendall, Lacy, Lane, Leonard, Locke, Lorance, Lyons, Medlock, Morris, Morrison, Polly, Putnam Rainey, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Sheriff, Simmons, Slaughter, Spencer, Stirman, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Youngkin, Zoeller—52.

Nays—Messrs. H. R. Allen, Chambers, Cox, Evans, Harn, Haswell, Johnson, McKee of Guadalupe, Miller, Mitchell, Patten, Pierson, Plumley, Robb, Shelburne, Shoemaker, Stockbridge, Williams of Walker, York, Zapp—20.

So the House at 5 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, } AUSTIN, TEXAS, Nov. 29, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Messrs. Ellis and Prissick.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Gardiner, the reading of yesterday's journal was dispensed with.

UNFINISHED BUSINESS,

Viz.: The business on the Speaker's table.

Senate bill No. 461, to be entitled "An act making appropriations for deficiencies for the support of the State government for the fiscal year beginning September 1, 1871, and ending August 31, 1872," was read the third time and passed by the following vote:

Yeas—Messrs. H. R. Allen, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Hamilton, Kendall, Locke, Lorange, Lyons, McKee of Guadalupe, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—41.

Nays—Messrs. Austin, Booty, Bonner, Chambers, Elam, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, McLean, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Weaver—28.

The title of the bill was agreed to, and the Chief Clerk dispatched to the Senate with said bill.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following House bills, to-wit: No. 838, "An act to amend the third section of 'an act to incorporate the Galveston Bay Dredging Company,' passed June 30, 1870;" No. 99, "An act to incorporate the Cleburne and Cross Timber Railway Company;" No. 933, "An act to repeal sections one, two and three of 'an act providing for the payment of the outstanding indebtedness,' passed July 21, 1870;" No. 691, "An act to repeal sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of an act entitled 'an act regulating public printing,' approved August 13, 1870;" No. 936, "An act to regulate the practice in the Supreme Court;" No. 809, "An act to incorporate the Lone Star Ferry Company," and House joint resolution No. 28, "Joint resolution to defray the expenses of printing the reports of all officers who are required to report to the Governor or the Legislature by section five of 'an act regulating public printing,' approved August 13, 1870."

GEO. T. HASWELL, Chairman.

Report accepted.

House joint resolution No. 42, "Joint resolution concerning the fire department of Austin city, Texas," was read the second time.

On motion of Mr. Plumley, the rule requiring all bills and joint resolutions on their second reading to be referred to committees was suspended in this case, and House joint resolution No. 42 ordered to be engrossed, and passed to its third reading.

On motion of Mr. Jenkins the rules were further suspended and House joint resolution No. 42 read the third time, passed by a two-thirds vote, and its title agreed to.

House bill No. 952, to be entitled "An act to place Peter Rouche on the pension list," was read the second time and referred to the Committee on Claims and Accounts.

House bill No. 962, to be entitled "An act to amend an act entitled 'an act to incorporate the Eastern Texas Railroad Company,' approved January 10, 1860," was read the second time.

On motion of Mr. Plumley, the rules were suspended and House bill No. 962 ordered to be engrossed and passed to its third reading.

On motion of Mr. Plumley the rules were further suspended and House bill No. 962 read the third time, passed and its title agreed to.

House bill No. 963, to be entitled "An act to incorporate the

Wallace Prairie Real Estate Joint Stock Company," was read the second time and referred to the Committee on State Affairs.

House bill No. 964, to be entitled "An act to incorporate the Grimes County Agricultural Society," was read the second time and referred to the Committee on Agriculture and Stockraising.

House bill No. 965, to be entitled "An act making an appropriation to meet deficiencies under the act of 1870 granting pensions to the veterans of the revolution which separated Texas from Mexico," was read the second time.

On motion of Mr. Elam the rule requiring all bills on their second reading to be referred to committees, and the rule requiring all bills making appropriations to be considered in a committee of the whole House, were suspended in this case, and House bill No. 965 ordered to be engrossed and passed to its third reading.

On motion of Mr. Jenkins the rules were further suspended, House bill No. 965 read the third time and passed by the following vote :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Booty, Bonner, Burley, Camp, Chambers, Cole, Cotton, Cox, Davis, Dorris, Elam, Evans, Franks, Gant, Gardiner, George, Gaston, Hamilton, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorance, Lyons, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlotman, Schutze, Self, Shelburne, Sheriff, Simmons, Spencer, Stirman, Stockbridge, Tegen, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—72.

Nays—Messrs. Dupree, Schlickum, Shoemaker—3.

The title of the bill was agreed to.

House bill No. 966, to be entitled "An act making an appropriation for the unexpired part of the fiscal year commencing September 1, 1871, to pay pensions to the veterans of the Texas revolution," was read the second time.

The rule requiring all bills on their second reading to be referred to committees, and the rule requiring all bills making appropriations to be considered in a committee of the whole House, were suspended, and House bill No. 766 ordered to be engrossed and passed to its third reading.

On motion of Mr. Jenkins, the rules were further suspended and House bill No. 966 read the third time and passed by the following vote :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cotton, Cox, Davis,

Dorris, Elam, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorraine, Lyons, McKee of Guadalupe, McLean, Moore, of Harrison, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlotman, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Spencer, Stirman, Stockbridge, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller—62.

Nays—Messrs. Bonner, Dupree, Franks, Gardiner, George, Hamilton, Medlock, Mitchell, Morris, Morrison, Patten, Schlickum, Shoemaker, Youngkin—14.

The title of the bill was agreed to.

11:30 o'Clock A. M.

SPECIAL ORDER,

Viz.: The motion of Mr. Locke to lay on the table the appeal taken yesterday by Messrs. Robertson and Booty from a decision of the Chair, in which the Chair decided that it required a two-thirds vote to pass House bill No. 928, Mr. Robertson having raised the point of order that it only required a majority vote to pass the bill.

On the motion to lay the appeal on the table, the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robinson, Ross, Schlickum, Schlotman, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—41.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schutze, Self, Shelburne, Simmons, Stirman, Tegener, Weaver, Zapp—34.

So the appeal was laid on the table.

Senate joint resolution No. 48, "Joint resolution to secure a correct index to the general and special laws passed at the present session of the Legislature," was read the first time.

Senate bill No. 395, to be entitled "An act supplemental to and amendatory of an act entitled 'an act to provide for the registration of voters,' approved July 11, 1870," was read the first time.

Senate bill No. 543, to be entitled "An act granting to Dan Eg-

bert the privilege of constructing and keeping a toll bridge and ferry across the Neches river," was read the first time.

Senate bill No. 553, to be entitled "An act for the relief of the heirs of N. A. Bonzano, deceased," was read the first time.

Senate bill No. 556, to be entitled "An act creating the land district of Pecos," was read the first time.

Senate bill No. 558 to be entitled "An act to incorporate the Jefferson Real Estate, Trust and Dollar Savings Compay," was read the first time.

Senate bill No. 573. to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors within certain limits of Thorpe Springs Male and Female Seminary, in Hood county," was read first time.

Senate bill No. 578, to be entitled "An act to incorporate the Dollar Savings Bank of Brenham," was read the first time.

Senate bill No. 586, to be entitled "An act to authorize the County Surveyor of Johnson county to transcribe certain record books in his office," was read the first time.

Mr. Leonard moved a suspension of the rules to put Senate bill No. 586 on its second reading, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Franks, Gant, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Spencer, Stirman, Tegener, Van Noy, Weaver, Williams of Colorado, Zapp, Zoeller—45.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Shoemaker, Stockbridge, Tinsley, Williams of Walker, Youngkin—26.

So the rules were not suspended.

PETITIONS AND MEMORIALS.

Mr. Robertson presented a memorial from the bar of Waco, appealing to the representatives of the people, and inviting a consideration of charges against J. W. Oliver, Judge of the Thirty-third Judicial District.

Mr. Robertson moved that the memorial be referred to a select committee of three, with instructions to report back on Friday at

10:30 o'clock A. M., upon which the yeas and nays were called for and resulted as follows :

Yeas--Messrs. H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Elam, Evans, Gant, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McLean, Miller, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Simmons, Spencer, Stirman, Tegener, Van Noy, Weaver, Zapp--44.

Nays--Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Zoeller--30.

So the motion was carried.

The Speaker appointed Messrs. Slaughter, Robertson and Patten, as such committee.

Mr. Austin presented the petition of Samuel J. Galbraith, praying for relief, which was read and referred to the Committee on Private Land Claims.

Mr. Plumley, chairman of the Committee on Internal Improvements, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 26, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to whom was referred Senate bill No. 535, "An act to amend 'an act to incorporate the Waco Tap Railroad,' " beg leave to report that the following members of your committee recommend its passage :

PLUMLEY, Chairman,
HARN,
HASWELL,
LOCKE.
PATTEN.

Dissenting :

MORRISON,
WILLIAMS,
ROBINSON.

Senate bill No. 535 was then read.

A message was received from the Senate transmitting for the concurrence of the House, Senate bill No. 317, and returning House bills Nos. 249, 924, 836 and 766, which the Senate had passed without amendments.

11 o'clock A. M.

SPECIAL ORDERS.

House bill No. 916, which was, on motion of Mr. Schutze, indefinitely postponed.

Report of the select committee on the veto message of the Governor on House bill No. 177.

On motion of Mr. Schutze, the special order was postponed until the consideration of Senate bill No. 535 be disposed of.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being on ordering Senate bill No. 535 to its third reading, it was so ordered.

Senate bill No. 535 was then read the third time and passed by the following vote, the yeas and nays having been called for:

Yeas—Messrs. H. R. Allen, Austin, Booty, Burley, Camp, Chambers, Cole, Cotton, Cox, Dupree, Elam, Evans, Franks, Gant, Gardiner, Gaston, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lyons, McLean, Medlock, Miller, Mitchell, Morris, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Simmons, Slaughter, Stirman, Tegener, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp—63.

Nays—Messrs. Abbott of Austin, Richard Allen, Davis, Dorris, George, Lorange, McKee of Guadalupe, Morrison, Moore of Harrison, Shoemaker, Spencer, Zoeller—12.

The title of the bill was agreed to.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined and find correctly enrolled the following House bills, to-wit: No. 114, "An act to incorporate the Jefferson City Street Railway Company;" No. 910, "An act to amend an act entitled 'an act to incorporate the Merchant's Mutual Insurance Company,' approved September 19, 1866;" No. 932, "An act to amend section one, and to repeal section six, of

'an act to authorize county courts to levy a road tax, and to improve roads and bridges,' passed August 4, 1870;" No. 860, "An act incorporating a toll bridge on the Tehuacana, at the crossing of the public road from Waco to Corsicana."

GEO. T. HASWELL, Chairman,
GROTHAUS,
SHOEMAKER,
POSEY.

Report accepted.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 29, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills: No. 523, entitled "An act to prohibit taxation on the sale of religious and moral works;" No. 753, entitled "An act to provide for the registration of births, marriages and deaths in the State;" No. 895, entitled "An act to amend section thirty-four of 'an act to organize the courts of justices of the peace and county courts and to define their jurisdiction and duties,' approved August 13, 1870;" and also, House joint resolution No. 43, "Joint resolution authorizing the Treasurer of the State of Texas to draw requisition upon the Comptroller for the purpose of negotiating a temporary loan," and find the same correctly engrossed.

C. J. STOCKERIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON,
B. S. SHELBURNE.

Report accepted.

SPECIAL ORDER—Resumed.

Mr. Schutze, chairman of the select committee to whom was referred the veto message of the Governor on House bill No. 177, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 29, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your special committee, to whom was referred House bill No. 177, "An act entitled an act to amend an act entitled 'an act

to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box,' approved August 15, 1870," and the message of his Excellency the Governor, returning said bill with his objections thereto, have carefully considered the same, and beg leave to report that in their opinion the present Constitution of the State of Texas did not go into force and effect until the Congress of the United States had finally passed upon the same, and until civil government had been inaugurated in this State. That event took place on the twenty-sixth day of April, 1870, and the present Legislature does not terminate until the 26th day of April, 1872. It is true that section four article three of the Constitution reads: "The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of general election."

But your committee assert that no general election has ever been held *under that Constitution*; that the election of members of the present Legislature in November 1869 took place not by virtue of the Constitution, but in every respect by the orders of a military commander. No branch of the constitutional government of Texas was recognized by the United States Government *as elected* until the twenty-sixth day of April 1870, when the general government formally relinquished its military jurisdiction over the civil authorities and permitted the Constitution of the State to go into force and effect. The so-called provisional session of the Legislature in February, 1870, was neither provided for by the Constitution nor called by the Governor. The Major General commanding the Fifth Military District convened them in session by general order No. 5, dated Austin, Texas, January 11, 1870, notwithstanding the Constitution of the State had been adopted by the people in November, 1869. The House of Representatives was not permitted to organize under the Constitution. The Speaker was not elected by the Representatives as prescribed by the Constitution, but had been appointed by Major General J. J. Reynolds, and neither branch of the Legislature was permitted to judge of the qualifications of its own members. Contested election cases were decided by a military commission appointed in pursuance of general order No. 24. So extremely careful was the general government in its efforts to evince to the people of Texas that no Constitution of their own *was in existence at that time*, that the Representatives of the people were not allowed to appropriate one cent of the people's money—the taxes paid into the State Treasury. The *per diem*, mileage and contingent expenses of that session of the Legislature were wisely, kindly and cautiously provided for by special order No. 34, dated Austin, Texas, February 14, 1870, which reads as follows:

[Extract II.]

"The sum of thirty-five thousand dollars currency, or so much thereof as may be necessary, is hereby appropriated from the Treasury of the State of Texas to pay *per diem* and mileage of the members of the present session of the Legislature, and also to pay the officers and employes, and to defray the printing and contingent expenses of the Legislature. The certificate of the Secretary of the Senate and Clerk of the House of Representative, approved by the presiding officers of their respective bodies, shall be a sufficient voucher for the Comptroller of the State to draw his warrants on said appropriation; but no greater sum than five thousand dollars shall be expended from this appropriation for printing and contingent expenses of the present session of the Legislature. The mileage and *per diem* of members shall be as established by the late Convention.

"By command of J. J. REYNOLDS, Brevet Major General :

"H. CLAY WOOD,

"Assistant Adjutant General.

"CHARLES E. MORSE, Acting Assistant Adjutant General."

The Commanding General is particularly careful here to avoid the word *Constitution* in his conclusion. The mileage and *per diem* of members shall be as established by the late *Convention*.

All these and numerous other facts show conclusively that the Constitution did not become valid or binding until civil government was inaugurated on the twenty-sixth day of April, 1870, and neither section four, article three, nor any other section of the Constitution can have retroactive force. Your committee further submit that they deem it wise and proper that the first general election under the Constitution be held at the time of holding the next Presidential election. Enormous expenses would thereby be saved to the State and no material interest be impaired. It might be asserted that with the legal termination of the Legislature, on the twenty-sixth day of April, 1872, one branch of the government would cease to exist until the next Legislature be elected. We beg leave to state that, under existing laws, the Legislature could not lawfully meet after that time, except in a called session. Should events of such magnitude and importance occur after the twenty-sixth day of April, 1871, and before the next Legislature be elected, as would justify the Chief Magistrate to convene the Legislature in extra session, then, according to the established principles of organic law, the incumbent in office would even be compelled to hold over the legal term until his successor has duly qualified.

In view of the facts stated above, your committee respectfully

recommend that House bill No. 177 be reconsidered, and that the objections of the Executive be sustained.

Very respectfully,

JULIUS SCHUTZE, Chairman,
SLAUGHTER.

Dissenting:

A. J. BOOTY.

The question being, "Will the House on reconsideration agree to pass the bill?" House bill No. 177, to be entitled "An act to amend an act entitled 'an act to provide for the mode and manner of conducting elections, making returns, and for the protection and purity of the ballot box,'"

Mr. Lane moved a call of the House. Call sustained.

Absent, not excused—Messrs. Bonner, Haswell, Prissick and Young.

On motion of Mr. Grothaus the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. R. Allen the call of the House was suspended.

The roll was then called and the House refused to pass House bill No. 177 by the following vote:

Yeas—Messrs. H. R. Allen, Austin, Booty, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Grothaus, Harn, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Simmons, Stirman, Weaver, Zapp—38.

Nays—Mr. Speaker, Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller—39.

A message was received from the Senate, transmitting for the signature of the Speaker enrolled Senate bill No. 513, which was signed and returned to the Senate.

11:30 O'CLOCK, A. M.

SPECIAL ORDER,

Viz.: Senate joint resolution No. 11, "Joint resolution, allowing the sum of \$354.17 to Dr. S. W. Baker, late Superintendent of the Blind Asylum, for the use of a horse and buggy," which was then read.

On motion of Mr. Slaughter, the rule requiring all bills on their second reading to be referred to committees, and the rule requiring all bills making appropriations to be considered in a committee of the whole House, were suspended in this case.

Mr. R. Allen moved to lay the joint resolution on the table. Lost.

Senate joint resolution No. 11 was then ordered to its third reading, read the third time, and the House refused to pass the same by the following vote, two-thirds of the members present not voting in the affirmative:

Yeas—Messrs. Austin, Camp, Cox, Dupree, Evans, Gant, Hamilton, Jenkins, Johnson, Kendall, Kyle, Lacy, Lane, McKee of Guadalupe, Miller, Morrison, Pierson, Plumley, Posey, Robertson, Robinson, Schlotman, Schutze, Shelburne, Simmons, Slaughter, Stockbridge, Tegener, Weaver, Williams of Walker, Zapp—31.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Chambers, Cotton, Davis, Dorris, Elam, Franks, Gardiner, George, Gaston, Hawkins, Leonard, Lorance, Lyons, McLean, Medlock, Mitchell, Morris, Moore of Harrison, Patten, Polly, Putnam, Rainey, Robb, Ross, Schlickum, Self, Sheriff, Shoemaker, Spencer, Stirman, Van Noy—34.

Reports of the Committee on Internal Improvements resumed.

COMMITTEE ROOM,
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 834, to be entitled "An act to incorporate the Austin and Northwestern Railroad and Telegraph Company," beg leave to report said bill back, and recommend its passage.

Respectfully,

PLUMLEY, Chairman,
PATTEN,
ROBINSON,
HARN,
WILLIAMS,
HASWELL,
MORRISON,
LANE.

House bill No. 834 was then read, and ordered to be engrossed and passed to its third reading.

Mr. R. Allen moved that the House adjourn until 10 o'clock A. M. Friday. Lost.

On motion of Mr. Plumley, the rules were suspended, and House bill No. 834 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Internal Improvements, to whom was committed House bill No. 948, to be entitled "An act to establish the Sabine Pass and Red River Railway Company," beg leave to report the same back and recommend its passage.

PLUMLEY, Chairman,
HASWELL,
McLEAN,
W. G. ROBINSON,
W. J. LOCKE,
J. W. LANE,
ROBT. ZAPP,
MORRISON,
T. J. CHAMBERS.

House bill No. 943 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Plumley the rules were suspended and House bill No. 948 read the third time, passed and its title agreed to.

The Chief Clerk was dispatched to the Senate with House bills Nos. 753 and 895, and House joint resolution No. 43, for the concurrence of that body.

Also, transmitting for the signature of the President of the Senate enrolled House bills Nos. 910, 932 and 114, which were signed and returned to the House.

COMMITTEE ROOM,
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 764, to be entitled "An act to incorporate the San Antonio and Aransas Bay Railroad Company," beg leave to report back and recommend that the bill be indefinitely postponed.

Respectfully,

PLUMLEY, Chairman,
ROBINSON,
ZAPP,
PATTEN,
WILLIAMS,
HARN,
CHAMBERS,
LANE,
McLEAN.

On motion of Mr. Franks the report of the committee was adopted and House bill No. 764 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 924, to be entitled, "An act to incorporate the Denver and Pacific Short Line Railway Company," beg leave to report the same back, and recommend that it be indefinitely postponed.

Respectfully,

PLUMLEY, Chairman,
PATTEN,
ZAPP,
MORRISON,
ROBINSON,
LANE,
WILLIAMS,
HARN,
HASWELL.

On motion of Mr. Plumley the report of the committee was adopted and House bill No. 924 indefinitely postponed.

Mr. Weaver moved to adjourn until 9 o'clock A. M. to-morrow.
Lost.

COMMITTEE ROOM,
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Internal Improvements, to whom was referred House bill No. 752, "An act to incorporate the San Jacinto Railroad Company," beg leave to report the same back, and recommend that it be indefinitely postponed.

Respectfully,

PLUMLEY, Chairman,
MORRISON,
HARN,
ZAPP,
ROBINSON,
LANE,
McLEAN,
WILLIAMS,
PATTEN.

On motion of Mr. Franks, the report of the committee was adopted, and House bill No. 752 indefinitely postponed.

COMMITTEE ROOM,
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to whom was referred House bill No. 623, to be entitled "An act to aid the construction and completion of the Sabine Pass and Red River Railway Company," beg leave to report the same back, and recommend that the bill be indefinitely postponed.

Respectfully,

PLUMLEY, Chairman,
ZAPP,
MORRISON,
LANE,
HARN,
ROBINSON,
WILLIAMS,
CHAMBERS.

On motion of Mr. Plumley the report of the committee was adopted; and House bill No. 623 indefinitely postponed.

Mr. Lane moved to adjourn until 9 o'clock A. M. Friday. Lost.

COMMITTEE ROOM, }
Austin, Nov. 25, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Internal Improvements, to whom was referred House bills Nos. 434 and 754, "Acts for the improvement of the Trinity river," beg leave to report the same back, and recommend that they, with the accompanying petitions and papers, be indefinitely postponed.

Respectfully,

PLUMLEY, Chairman,
LANE,
McLEAN.
ROBINSON,
PATTEN,
WILLIAMS,
LOCKE,
HARN,
HASWELL,
ZAPP.

On motion of Mr. Plumley, the report of the committee was adopted, and House bills Nos. 434 and 754 indefinitely postponed.

Mr. C. L. Abbott, chairman of the Committee on State Affairs, submitted the following reports :

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 481, to be entitled "An act to incorporate the Library Building Association of Galveston," having carefully considered the same, beg leave to report back, and recommend its passage.

Very respectfully,

C. L. ABBOTT, Chairman,
J. F. McKEE,
J. W. JOHNSON,
FRITZ TEGENER,
M. H. GASTON,
DUPREE,
E. L. ROBB.

Senate bill No. 481 was then read and ordered to its third reading, read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 450, to be entitled "An act to incorporate the Marshall Salamander Fire Company No. 1 of the city of Marshall, Texas," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

C. L. ABBOTT, Chairman,
J. F. McKEE,
J. W. JOHNSON,
FRITZ TEGENER,
M. A. GASTON,
DUPREE,
E. L. ROBB.

Senate bill No. 450 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 490, to be entitled "An act to incorporate the

Mechanics' Building Association of Jefferson, Texas," having carefully considered the same, beg leave to report back and recommend its passage.

C. L. ABBOTT, Chairman,
E. L. ROBB,
J. F. McKEE,
J. W. JOHNSON,
FRITZ TEGENER,
M. A. GASTON,
DUPREE,

Senate bill No. 490 was then read and ordered to its third reading; read the third time, passed and its title agreed to.

The Chair appointed Mr. Robinson a member of the Committee on Education, in place of Mr. Cole, absent.

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 523, to be entitled "An act to incorporate the Houston Turn Verein," having carefully considered the same, beg leave to report back, and recommend its passage.

Very respectfully,

C. L. ABBOTT, Chairman,
E. L. ROBB,
J. W. JOHNSON,
M. A. GASTON,
DUPREE,
J. F. McKEE,

Senate bill No. 523 was then read and ordered to its third reading, read the third time, passed, and its title agreed to.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled bills beg leave to report that they have this day sent to the Governor for his approval the following House bills, to-wit: No. 114, "An act to incorporate the Jefferson City Street Railway Company;" No. 932, "An act to amend section one and to repeal section six of an act to authorize county courts to levy a road tax, and to improve roads and bridges," passed August 4, 1870;" No. 910, "An act to amend an act enti-

itled 'an act to incorporate the Merchants' Mutual Insurance Company,' approved September 19, 1866;" No. 860, "An act incorporating a toll bridge on the Tehuacana at the crossing of the public road from Waco to Corsicana.

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,

Austin, Nov. 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed bills ask leave to report that they have carefully examined House bill No. 960, to be entitled "An act to incorporate the Tyler Tap Railroad Company," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,

W. G. ROBINSON,

J. F. McKEE.

Report accepted.

On motion of Mr. Morris, the House at 12:30 o'clock adjourned until 3:30 o'clock this P. M.

AFTERNOON SESSION.

3:30 o'clock P. M.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused.—Mr. Prissick.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,

Austin, Nov. 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 961, to be entitled "An act to incorporate the Bell County

Agricultural, Mechanical and Blood Stock Association;" No. 962, to be entitled "An act to amend an act entitled 'an act to incorporate the Eastern Texas Railroad Company,' approved January 10, 1860;" No. 965, to be entitled "An act making an appropriation to meet the deficiencies under the act of 1870, granting pensions to the veterans of the revolution which separated Texas from Mexico;" No. 955, to be entitled "An act making an appropriation for the unexpired part of the fiscal year commencing September 1, 1871, to pay pensions to the veterans of the Texas revolution;" No. 967, to be entitled "An act to incorporate Ark Lodge No. 59, I. O. O. F., at Hallettsville, Lavaca county, Texas;" also, House joint resolution No. 42, "Joint resolution concerning the fire department of Austin city, Texas," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Report accepted.

COMMITTEE ROOM,
Austin, Nov. 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 948, entitled "An act amendatory of an act entitled 'an act to establish the Sabine Pass and Red River Railway Company,'" and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

On motion of Mr. Plumley, leave was granted for members who wished to speak on the militia and election bills to have their speeches printed as if made in the House.

A message was received from the Senate returning House bills Nos. 240, 915, 931, 851, 732, 925, 905 and 956, which that body had passed without amendments, and No. 787 passed with amendment.

Also, transmitting for the concurrence of the House Senate bill No. 592.

And for the signature of the Speaker, enrolled Senate bills Nos. 530, 511 and 534, which were signed and returned to the Senate.

On motion of Mr. B. F. Williams, the rules were suspended to take up

SENATE BILLS ON SECOND READING.

Senate joint resolution No. 48, "Joint resolution to secure a correct index of the general and special laws passed at the present session of the Legislature," was read the second time.

On motion of Mr. Morris, the rule requiring all bills on their second reading to be referred to committees was suspended, and Senate joint resolution No. 48 ordered to its third reading.

On motion of Mr. Franks, the rules were further suspended, and Senate joint resolution No. 48 read the third time, passed, and its title agreed to.

Senate bill No. 553 was then read the second time.

On motion of Mr. B. F. Williams, the rule requiring all bills on their second reading to be referred to committees was suspended, and Senate bill No. 553 ordered to its third reading.

On motion of Mr. B. F. Williams, the rules were further suspended, and Senate bill No. 553 read the third time and passed by the following vote, the yeas and nays having been called for:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Austin, Bonner, Burley, Camp, Cotton, Cox, Evans, Gant, Gardiner, Grothaus, Hamilton, Jenkins, Jones, Kyle, Lacy, Leonard, Locke, McLean, Miller, Plumley, Posey, Putnam, Robertson, Robinson, Schlickum, Schlotman, Shelburne, Simmons, Slaughter, Spencer, Stockbridge, Tegner, Williams of Colorado, Williams of Walker, Youngkin, Zapp—38.

Nays—Messrs. Richard Allen, Booty, Chambers, Davis, Dorris, Dupree, Elam, Ellis, Franks, George, Gaston, Johnson, Kendall, Lane, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Pierson, Polly, Rainey, Robb, Ross, Self, Shoemaker, Stirman, Van Noy, Weaver, York—33.

The title of the bill was agreed to.

Senate bill No. 543 was then read the second time.

On motion of Mr. Gaston the rule requiring all bills on their second reading to be referred to committees was suspended and Senate bill No. 543 ordered to its third reading.

On motion of Mr. Gaston the rules were further suspended and Senate bill No. 543 read the third time, passed and its title agreed to.

Senate bill No. 395 was then read and referred to the Committee on Privileges and Elections.

Senate bill No. 556 was then read and referred to the Committee on Public Lands and Land Office.

Senate bill No. 558 was then read the second time.

On motion of Mr. Morris the rule requiring all bills on their

second reading to be referred to committees was suspended in this case, and Senate bill No. 558 ordered to its third reading.

On motion of Mr. Morris the rules were further suspended and Senate bill No. 558 read the third time, passed and its title agreed to.

Senate bill No. 586 was then read the second time.

On motion of Mr. Weaver the rule requiring all bills on their second reading to be referred to committees was suspended in this case and Senate bill No. 586 ordered to its third reading.

On motion of Mr. Weaver the rules were further suspended and Senate bill No. 586 read the third time, passed and its title agreed to.

Senate bill No. 573 was read the second time and referred to the Committee on Education.

Senate bill No. 578 was read the second time.

On motion of Mr. Stockbridge, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 578 ordered to its third reading.

On motion of Mr. Stockbridge, the rules were further suspended, and Senate bill No. 578 read the third time, passed, and its title agreed to.

On motion of Mr. Johnson, the rules were suspended to take up

BUSINESS ON THE SPEAKER'S TABLE.

House bill No. 523, to be entitled "An act to prohibit taxation on the sale of religious and moral works," was read the third time, and passed by the following vote, the yeas and nays having been called for :

Yeas—Messrs. Abbott of Austin, Austin, Booty, Burley, Camp, Chambers, Cotton, Cox, Dupree, Evans, Franks, Hamilton, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Lorraine, Lyons, McKee of Guadalupe, McLean, Medlock, Miller, Morris, Morrison, Patten, Pierson, Plumley, Polly, Posey, Robertson, Schutze, Self, Shelburne, Spencer, Stirman, Stockbridge, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York—46.

Nays—Messrs. Davis, Dorris, Elam, Ellis, Gant, Gardiner, George, Gaston, Grothaus, Haswell, Mitchell, Putnam, Rainey, Robb, Robinson, Ross, Schlickum, Schlotman, Shoemaker, Simmons, Slaughter, Tegener, Zapp, Zoeller—25.

Mr. Schutze moved a reconsideration of the vote just taken.

Mr. Austin moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Austin, Booty, Burley, Camp, Chambers, Franks, Gardiner, Gaston Grothaus, Haswell, Hawkins, Jenkins, Johnson, Kyle Lacy, Lane, Leonard, Lyons, McLean, Morris, Morrison, Pierson, Polly, Posey, Putnam, Robb, Robertson, Schutze, Self, Shelburne, Sheriff, Shoemaker, Stirman, Stockbridge, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Youngkin—43.

Nays—Messrs. Cox, Davis, Dorris, Dupree, Elam, Ellis, Gant, George, Hamilton, Jones, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Miller, Mitchell, Patten, Rainey, Robinson, Ross, Schlickum, Schlotman, Simmons, Spencer, Tegener, Zapp, Zoeller—28.

So the motion to reconsider was laid on the table.

The title of the bill was then agreed to.

A message was received from the Senate transmitting for the signature of the Speaker, Senate concurrent resolution No. 10, which was signed by the Speaker and returned to the Senate.

House bill No. 787, to be entitled "An act to incorporate the Arrow Fast Freight and Transportation Company," returned from the Senate with amendment.

On motion of Mr. Plumley, the House agreed to the following Senate amendment, viz.: Insert the names of "Wm. H. Griffin and E. S. Graham" as incorporators.

Senate bill No. 317, to be entitled "An act to provide for the reimbursement of seventy-five thousand dollars to the public school fund from the State Treasury," was read the first time.

Senate bill No. 531, to be entitled "An act for the protection of dumb animals," was read the first time.

Senate bill No. 588, to be entitled "An act making an appropriation to pay the expenses of binding the census of the State of Texas, taken by the United States Marshal in the year 1870," was read the first time.

Senate bill No. 456, to be entitled "An act to make a new apportionment for Representative and Senatorial districts of the State of Texas," was read the first time.

The Chief Clerk was dispatched to the Senate, transmitting for the concurrence of that body House bills Nos. 948, 960, 961, 962, 965, 966 and 967, and House joint resolution No. 42, and returning Senate bills Nos. 450, 481, 490, 523 and 535 passed by the House without amendment.

Senate bill No. 589, to be entitled "An act to establish a ferry across Big Cypress Bayou in Marion county," was read the first time.

Mr. Morris moved a suspension of the rules to take up Senate

bills on their second reading, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Dorris, Dupree, Evans, Franks, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Locke, Lorance, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller—41.

Nays—Messrs. Austin, Booty, Chambers, Elam, Ellis, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lyons, McLean, Miller, Pierson, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Weaver—30.

So the rules were not suspended, four-fifths of the members present not voting in the affirmative.

Mr. McLean moved that the House adjourn until 9 o'clock A. M. to-morrow, upon which the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. H. R. Allen, Austin, Booty, Camp, Chambers, Dupree, Elam, Ellis, Evans, Gaston, Hawkins, Jenkins, Jones, Kendall, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, McLean, Miller, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Shelburne, Simmons, Stirman, Tegener, Van Noy, Weaver, York—39.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Dorris, Franks, Gant, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Plumley, Posey, Robinson, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—35.

So the House at 4:50 o'clock P. M. adjourned until 9 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, November 30, 1871.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. No quorum present.

Prayer by the Chaplain.

Mr. Plumley moved a call of the House. Call sustained.

Absent, not excused—Messrs. Booty, Burley, Chambers, Davis, Dorris, Dupree, Franks, Gardiner, George, Gaston, Harn, Hawkins, McLean, Miller, Morrison, Moore of Harrison, Posey, Prissick, Ross, Shoemaker, Tinsley, Young, Youngkin and Zapp.

On motion of Mr. Plumley, the Sergeant-at-Arms was dispatched for the absentees.

On motion of Mr. Plumley, the House adjourned until 9:30 o'clock A. M.

9:30 O'CLOCK A. M.

House called to order. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

On motion of Mr. Grothaus, the reading of yesterday's journal was dispensed with.

By unanimous consent, Mr. Plumley introduced a bill (House bill No. 968) to be entitled "An act to authorize the city council of the city of Galveston to issue and negotiate the bonds of the city of Galveston, for the purpose of paying the overdue debt of said city, and to improve the streets of said city by grading, shelling, paving and repairing the same, and building culverts and breakwaters, and to create a fund to pay the interest and principal on said bonds," which was read first time.

On motion of Mr. Plumley, the rules were suspended, and House bill No. 968 read the second time.

On motion of Mr. Johnson, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and House bill No. 968 ordered to be engrossed and passed to its third reading.

On motion of Mr. Johnson, the rules were further suspended, and House bill No. 968 read the third time, passed, and its title agreed to.

Mr. Hawkins moved that the House adjourn until 9 o'clock A. M. to-morrow. Lost.

On motion of Mr. Johnson, the rules were suspended, and Senate bill No. 592, to be entitled "An act to repeal section seven of 'an act to give effect to the several provisions of the Constitution

concerning taxes, approved April 22, 1871, as amended by an act amendatory of and supplemental to an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 25, 1871," was taken up out of its regular order and read the first time; rules suspended, read the second time.

On motion of Mr. Johnson, the rule requiring all bills on their second reading to be referred to committees was suspended, and Senate bill No. 592 ordered to its third reading.

On motion of Mr. Johnson, the rules were further suspended, and Senate bill No. 592 read third time, passed, and its title agreed to.

The following veto message was received from the Governor by the hands of his Private Secretary:

GOVERNOR'S OFFICE,
Austin, Nov. 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I return to the House of Representatives, where it originated, the act entitled "An act relative to the assessment and collection of taxes for school purposes in the several school districts of the State, and regulating the expenditure of moneys arising from the same."

This act proposes to direct that the school tax shall be disbursed in the district where collected and that only so much as may be necessary shall be collected.

I believe the House will, on reconsideration, perceive that it is unnecessary for the purposes it proposes to accomplish, and may create uncertainty as to the amount of taxes provided by law for building and maintaining schools.

It is unnecessary, because the plain intent and word of the act of April 24, 1871, is that the tax, not exceeding one per cent., authorized to be levied by the school directors, shall be used for "building school houses and maintaining schools in their respective school districts." Of course, then, no part of the tax can be used out of the district. Again, the said act of April 24 leaves it to the school directors to say how much of that tax shall be assessed, and under the provision giving the Board of Education of the State power to direct the "manner of the collection and disbursement of this tax;" that board has already in substance directed that only so much of the tax shall be collected as may be absolutely necessary for the object in view. In the one case, as in the other, some trust must be placed in the good faith of officers collecting and disbursing the tax, that they will only collect so much as may be necessary.

The act will create uncertainty as to the amount of tax for school

purposes "authorized by laws." It speaks in the plural of the tax authorized by existing laws. Now, three laws have been passed by the present Legislature, providing taxes for these purposes, viz.: the act of August 13, 1870, section three, provides a tax of one per cent. to be levied and collected "when necessary," by the county court, to build school houses; the act of April 22, 1871, section eight provides a tax, apparently to be levied by county courts, of one-eighth of one per cent. (applicable only to the year 1871) to build school houses and "insure the education" of the scholastic inhabitants of the district; and the act of April 24, 1871, section five, which provides a tax to be levied by the school directors of each district "not exceeding one per cent., for the purpose of building school houses and maintaining schools" in the respective districts.

Was it intended by the use of the word "laws" to give a legislative construction to the operation of these three acts, and to authorize the collection of school taxes under the three, amounting together to two and one-eighth per cent? It will certainly be held and with reason that the Legislature, by using the plural, intended to recognize school taxes under more laws than one.

The Board of Education for the State has assumed that the tax provided by the law of April 24, 1871, is the only one to be enforced, and has for the present fiscal year authorized not exceeding seven-eighths of it to be collected, (allowing for the one-eighth assessed for 1871, under the law of April 22.) It was adjudged that the act of April 24, 1871, repealed, among other provisions of the act of August 13, 1870, so much of it as provided the tax for building school houses.

Very respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.

By unanimous consent, Mr. J. F. McKee, chairman of the Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Private Land Claims, to whom was referred Senate bill No. 520, to be entitled "An act for the relief of the heirs of Joseph Kerr and Nathaniel M. Kerr," having care-

fully considered the same, beg leave to report back and recommend its passage.

J. F. McKEE, Chairman,
J. C. JENKINS,
W. C. PIERSON,
R. WILLIAMS,
F. SCHLICKUM,

Senate bill No. 520 was then read and ordered to its third reading; read the third time, passed, and its title agreed to.

REPORTS OF COMMITTEES.

Mr. C. L. Abbott, chairman of the Committee on State Affairs, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 28, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 524, to be entitled "An act to incorporate the Point Isabel City Company," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

C. L. ABBOTT, Chairman,
J. F. McKEE,
J. W. JOHNSON,
FRITZ TEGENER,
M. A. GASTON,
E. L. ROBB,
DUPREE.

Senate bill No. 524 was then read and ordered to its third reading, read the third time, passed and its title agreed to.

On motion of Mr. Grothaus, the rules were suspended to allow him, as chairman of the Committee on Commerce and Manufactures, to submit the following reports:

COMMITTEE ROOM,
Austin, Nov. 29, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 517, to be entitled "An act to incor-

porate the Cherokee Mining Company," having carefully considered the same, beg leave to report back, and recommend its passage.

Respectfully,

F. E. GROTHAUS, Chairman,
C. L. ABBOTT,
FRANKS,
PATTEN,
H. MOORE.

Senate bill No. 517 was then read and ordered to its third reading, read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 548, to be entitled "An act to authorize the county of Calhoun to improve the channel from the Gulf into Matagorda Bay," etc. having carefully considered the same beg leave to report back and recommend the passage of the bill without amendments.

Respectfully,

GROTHAUS, Chairman,
FRANKS,
H. MOORE,
C. L. ABBOTT,
PATTEN,

Senate bill No. 548 was then read and ordered to its third reading, read the third time, passed and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 17, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Commerce and Manufactures, to whom was referred Senate bill No. 347, to be entitled "An act to incorporate the Houston Dollar Savings Bank," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

F. E. GROTHAUS, Chairman.
R. ALLEN.

Senate bill No. 347, was then read and ordered to its third reading, read the third time, passed, and its title agreed to.

The Chief Clerk was dispatched to the Senate, transmitting for the concurrence of that body House bills Nos. 523, 834 and 968, and returning Senate bills Nos. 543, 553, 558, 578, 586 and 592,

which the House had passed without amendment; also informing the Senate that the House had agreed to the Senate amendment to House bill No. 787.

On motion of Mr. Jenkins, the rules were suspended to allow Mr. Johnson, chairman of the Committee on Finance, to submit the following reports:

COMMITTEE ROOM,
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: A majority of your Committee on Finance, to whom was referred House bill No. 939, to be entitled "An act relative to the approval and payment of claims against the State for repairs, fixtures and furniture of the Governor's mansion and its appurtenances, and for the improvement of the grounds appertaining thereto," having carefully considered the same, beg leave to report it back and recommend its passage.

Respectfully,

J. W. JOHNSON, Chairman,
ZOELLER,
GEORGE,
ALLEN.

Dissenting:

BOOTY,
AUSTIN,
GANT.

Mr. Kyle moved to lay House bill No. 939 on the table. Lost.

House bill No. 939 was then read and ordered to be engrossed, and passed to its third reading by the following vote, the yeas and nays having been called for:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Richard Allen, Camp, Cole, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, Lyons, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Slaughter, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Youngkin, Zoeller, Zapp—44.

Nays—Messrs. Austin, Booty, Bonner, Chambers, Elam, Ellis, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Van Noy—27.

Mr. Evans moved a further suspension of the rules to put House bill No. 939 on its final passage; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Richard Allen, Booty, Camp, Cole, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gant, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Jenkins, Jones, Johnson, Kendall, Lacy, Leonard, Locke, Lorange, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—51.

Nays—Messrs. Abbott of Austin, H. R. Allen, Austin, Bonner, Chambers, Elam, Ellis, Hawkins, Kyle, Lane, Lyons, Pierson, Polly, Posey, Putnam, Rainey, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Van Noy—23.

So the rules were suspended, House bill No. 939 read the third time, passed, and its title agreed to.

A message was received from the Senate, returning House bill No. 858, to be entitled "An act to incorporate the Home Insurance and Trust Company of Texas," passed by that body without amendment.

Also, transmitting for the concurrence of the House, Senate bill No. 566, to be entitled "An act to authorize and empower the corporate authorities of the town of Palestine to extend the streets and alleys of said town to the exterior limits of the corporation, and to lay out and make new streets and alleys within the limits of said corporation."

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,
Austin, Nov. 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 848, "An act authorizing the mayor and board of aldermen of the city of Brenham to dispose of the alleys of said city;" No. 908, "An act to provide for the division of the records of Refugio and Aransas counties, and their transfer to their proper counties;" No. 869, "An act to incorporate the town of Comanche, in Comanche county;" No. 851, "An act to amend an act entitled 'an act to establish a ferry across Brazos river, at or near the mouth of the Little Brazos river, in the counties of Burleson and Brazos,' passed May 16, 1871;" No. 634, "An act to incorporate the Galveston and Eastern Texas Railway Company;" No. 897, "An act to release to the county of Houston the State tax for the year 1871, for the completion of a court house and jail in said county;" No. 19,

"An act to incorporate the Indianola Dredging Company as herein specified;" No. 249, "An act to incorporate the Galveston and New Orleans Railway Company;" No. 937, "An act to incorporate the Pecos Irrigating, Manufacturing and Live Stock Company;" No. 732, "An act validating certain land certificates;" No. 766, "An act for the relief of certain settlers in Peters's Colony;" No. 937, "An act amendatory of section five of 'an act to give effect to the several provisions of the Constitution concerning taxes;' " and find the same correctly enrolled.

GEO. T. HASWELL, Chairman,
GROTHAUS,
SHOEMAKER,
POSEY.

COMMITTEE ROOM,
Austin, Nov. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following House bills, to-wit: No. 787, "An act to incorporate the Arrow Fast Freight and Transportation Company;" No. 934, "An act to repeal 'an act to authorize the police courts of counties to levy and collect a special tax for the repair and completion of public buildings;'" No. 957, "An act to amend an act entitled 'an act to regulate the times of holding the courts in the Eleventh Judicial District,' approved October 24, 1871;" No. 858, "An act to incorporate the Home Insurance and Trust Company of Texas;" No. 956, "An act to incorporate the Young Men's Irish Benovolent and Literary Association of Galveston, Texas," and find the same correctly enrolled.

GEO. T. HASWELL, Chairman,

COMMITTEE ROOM,
Austin, Nov. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined and find correctly enrolled the following House bill, viz.: No. 117, to be entitled "An act to incorporate the Marion County Bayou Navigation Company."

Respectfully,

GEO. T. HASWELL, Chairman,
GROTHAUS,
POSEY,
SHOEMAKER.

Reports accepted, and Chief Clerk dispatched to the Senate with the enrolled bills, which were signed by the President of the Senate and returned to the House.

Reports of Committee on Finance resumed :

COMMITTEE ROOM,
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Finance, to whom was referred Senate bill No. 545, entitled "An act creating the Colorado Real Estate and Banking Company," having carefully considered the same, beg leave to report it back and recommend its passage.

Respectfully,

J. W. JOHNSON, Chairman.

A. J. BOOTY,

H. W. YOUNG.

Dissenting:

GEORGE,

GANT.

Senate bill No. 545 was then read and ordered to its third reading. Senate bill No. 545 was then read the third time, passed and its title agreed to.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Nov. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 834, to be entitled "An act to incorporate the Austin and Northwestern Railroad and Telegraph Company;" and No. 968, to be entitled "An act to authorize the city council of the city of Galveston to issue and negotiate the bonds of the city of Galveston for the purpose of paying the overdue debt of said city, and to improve the streets of said city by grading, shelling, paving and repairing the same, and building culverts and breakwaters, and to create a fund to pay the interest and principal of said bonds," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,

J. F. McKEE,

W. G. ROBINSON.

Report accepted.

COMMITTEE ROOM,
Austin, Nov. 27, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Finance, to whom was referred Senate bill No. 576, to be entitled "An act to amend the fifth and thirty-second sections of an act entitled 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," having carefully considered the same, beg leave to report it back, and recommend that it do pass.

Respectfully,

J. W. JOHNSON, Chairman,
YOUNG,
GANT,
BOOTY.

Dissenting:

J. D. GEORGE,

Senate bill No. 576 was then read and ordered to its third reading.

Senate bill No. 576 read the third time, passed and its title agreed to.

On motion of Mr. Morrison, the rules were suspended, Senate bill No. 566, to be entitled "An act to authorize and empower the corporate authorities of the town of Palestine to extend the streets and alleys of said town to the exterior limits of the corporation, and to lay out and make new streets and alleys within the limits of said corporation," taken up out of its regular order and read the first time; rules further suspended and read the second time.

On motion of Mr. Morrison, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 566 ordered to its third reading.

Mr. Plumley introduced a resolution in relation to retaining clerks to index the journals after adjournment.

Resolution read first and second times.

On motion of Mr. Hawkins, the resolution was amended by inserting "or so long as may be necessary" after the words "thirty days."

Mr. Evans moved to amend the resolution by striking out the word "four" and inserting the word "three."

Mr. Plumley moved that the resolution be referred to a select committee of three, with leave to report at any time. Carried.

The Speaker appointed Messrs. Plumley, Schutze and Robertson as such committee.

Mr. Evans moved that the House adjourn until 10 o'clock, A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Austin, Bonner, Burley, Camp, Chambers, Cole, Cotton, Elam, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, Moore of Harrison, Pierson, Polly, Posey, Putnam, Rainey, Robb, Ross, Self, Shelburne, Sheriff, Simmons, Slaughter, Stirman, Van Noy, Weaver, Williams of Colorado—39.

Nays—Messrs. H. R. Allen, Richard Allen, Cox, Davis, Dorris, Dupree, Ellis, Franks, Gardiner, George, Hamilton, Harn, Haswell, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Plumley, Robertson, Robinson, Schlickum, Schlotman, Schutze, Shoemaker, Stockbridge, Tegener, Tinsley, Williams of Walker, York, Young, Youngkin—35.

So the House at 10:30 A. M. adjourned until 10 o'clock A. M. to morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, Dec. 1, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Burley, the reading of yesterday's journal was dispensed with.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following House bills, to-wit: No. 934, "An act to repeal 'an act to authorize the police courts of counties to levy and collect a special tax for the repair and completion of public buildings;' No. 956, "An act to incorporate the Young Men's Irish Benevolent and Literary Association, of Galveston, Texas;" No. 851, "An act to amend an act entitled 'an act to establish a ferry across Brazos river, at or near the mouth of Little Brazos river, in the counties of Burleson and Brazos;'" No. 869, "An

act to incorporate the town of Comanche, in Comanche county;" No. 848, "An act authorizing the mayor and board of aldermen of the city of Brenham to dispose of the alleys of said city;" No. 634, "An act to incorporate the Galveston and Eastern Texas Railway Company;" No. 897, "An act to release to the county of Houston the State tax for the year 1871, for the completion of a court house and jail in said county;" No. 787, "An act to incorporate the Arrow Fast Freight and Transportation Company;" No. 858, "An act to incorporate the Home Insurance and Trust Company of Texas;" No. 249, "An act to incorporate the Galveston and New Orleans Railway Company;" No. 937, "An act to incorporate the Pecos Irrigating, Manufacturing and Live Stock Company;" No. 732, "An act validating certain land certificates;" No. 766, "An act for the relief of certain settlers in Peters's Colony;" No. 931, "An act amendatory of section five of 'an act to give effect to the several provisions of the Constitution concerning taxes;' " No. 908, "An act to provide for the division of the records of Refugio and Aransas counties and their transfer to their proper counties;" No. 19, "An act to incorporate the Indianola Dredging Company as herein specified;" No. 957, "An act to amend an act entitled 'an act to regulate the times of holding the courts in the Eleventh Judicial District,' approved October 24, 1871."

Respectfully,

GEO. T. HASWELL, Chairman,

COMMITTEE ROOM,

Austin, Nov. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval House bill No. 117, entitled "An act to incorporate the Marion county Bayou Navigation Company."

Respectfully,

GEO. T. HASWELL, Chairman.

GROTHAUS,

POSEY,

SHOEMAKER.

Reports accepted.

By unanimous consent, Mr. Stockbridge, Chairman of the Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 939, to be entitled "An act relative to the approval and payment of claims against the State for repairs, fixtures and furniture of the Governor's mansion and its appurtenances, and for the improvement of the grounds appertaining thereto," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON,
B. S. SHELBURNE.

Report accepted.

UNFINISHED BUSINESS.

Viz: The report of the select committee to whom was referred the papers in relation to martial law in Hill and Walker counties.

Mr. Harn, chairman of said committee, then submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 27, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your special committee, to whom was referred the papers in relation to martial law in Hill and Walker counties, having fully considered the same, beg leave to submit the following as the result of their investigation: The charges against James Davidson, Adjutant General of the State of Texas, are totally without foundation, and, your committee are satisfied, were made from malicious motives. The evidence before us shows conclusively that this officer has in no point exceeded his authority, and has not misapplied the funds placed in his possession; and we believe that he has strictly complied with the orders of his superior officer, his Excellency E. J. Davis, Governor of the State of Texas. The amount of taxes collected in Hill and Walker counties was properly disbursed, as shown by the papers and vouchers thereunto pertaining, and was not quite sufficient to defray the expenses of the officers and men called into and doing service in said counties during the existence of martial law. General Davidson exercised the authority reposed in him with discretion, and there is no doubt in the minds of the committee

that his intentions were fully to carry out the instructions received by him. Your committee, in view of the facts before them, offer the following resolution, and recommend its adoption, asking to be discharged from further consideration of the subject.

Respectfully,

C. D. HARN, Chairman,

C. W. GARDINER.

I concur in the foregoing, in so far as to exonerate General Davidson from all blame or censure. If any wrongs were perpetrated, it was, in my opinion, without the knowledge or approval of General Davidson. The evidence shows that General Davidson discharged his duty, under orders of his superior officer, rigidly and to the extent required. He is a soldier, and acts as such, and not a politician.

JOHN W. ROBERTSON.

Resolved, That General J. Davidson, Adjutant General of the State of Texas, has, in the opinion of this House, discharged his duty as an officer of the State, and that the charges preferred against him are without foundation in fact, and malicious in character.

Resolution read the first and second times.

Mr. Harn moved the adoption of the resolution; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Chambers, Cotton, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Lane, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Pierson, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Stirman, Stockbridge, Tegener, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—48.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Cole, Elam, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Leonard, McLean, Polly, Posey, Robb, Robertson, Ross, Self, Sheburne, Simmons, Weaver—24.

So the resolution was adopted.

A message was received from the Senate, transmitting for the signature of the Speaker Senate bills Nos. 461, 450, 586, 565, 562, 296, 578, 535, 481, 583, 553, 364, 592, 520, 405, 526, 558, 550, 556, 548, 465, and Senate joint resolution No. 40, which were signed and returned to the Senate.

Mr. Harn, chairman of the committee to take into consideration the redistricting of the State of Texas, submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 24, 1871.

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your special committee, charged with the duty of redistricting the State into judicial districts, have the honor to submit the following report as the result of their labors, with the accompanying bill, providing for the time of holding the district courts in the several judicial districts thus formed; we recommend passage of the accompanying bills: Very respectfully,

C. D. HARN, Chairman,
A. D. ELAM,
SLAUGHTER,
JULIUS SCHUTZE,

Dissenting:

F. G. FRANKS,
J. C. JENKINS,

Mr. Elam moved that the report and the bills recommended by the committee, viz.: House bill No. 969, to be entitled "An act supplemental to and amendatory of 'an act to provide for districting the State of Texas into judicial districts,' approved July 2, 1870," and House bill No. 970, to be entitled "An act repealing 'an act prescribing the times of holding the district courts in the several judicial districts in the State,' approved August 10, 1870," be postponed until to-morrow at 12 o'clock M., upon which the yeas and nays were called for and resulted as follows:

Yeas---Messrs: Richard Allen, Burley, Davis, Dorris, Dupree, Elam, Evans, Franks, Gant, Gardiner, George, Hamilton, Haswell, Jones, Johnson, Kendall, Kyle, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Plumley, Polly, Posey, Putnam, Robinson, Schutze, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Youngkin, Zapp, Zoeller---45.

Nays---Messrs. Abbott of Austin, H. R. Allen, Austin, Bonner, Camp, Chambers, Cole, Gaston, Grothaus, Harn, Hawkins, Jenkins, Lacy, Lane, Leonard, McLean, Patten, Pierson, Rainey, Robb, Robertson, Ross, Schlickum, Schlotman, Self, Shelburne, Simmons, Slaughter, Stirman, Young---30.

So the consideration of House bills Nos. 969 and 970 was postponed until 12 o'clock M. to-morrow.

A message was received from the Senate, returning House bills Nos. 888, 552, 960, 962 and 823, passed by that body without amendment, and House bill No. 875, passed with amendment.

Also, the following enrolled Senate bills: Nos. 566, 548, 465, 578, 481, 553, 586, 461, 450 and 296; and Senate joint resolution No. 40, which was signed by the Speaker and returned to the Senate.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined the following House bills, to-wit: House bill No. 891, "An act to establish a ferry across the Neches river at Bates's ferry, in Cherokee county;" No. 905, "An act to incorporate the Bryan Manufacturing Company of Texas;" No. 915, "An act to authorize David Colley, his associates and successors to construct, own and keep a toll bridge on White Oak Bayou, in Titus county;" No. 925 "An act amendatory of an act entitled 'an act to provide for the care and maintenance of the insane,' approved February 5, 1858;" No. 868, "An act to incorporate the Odd Fellows' Hall Association of Bryan Texas;" No. 836, "An act to incorporate the Trinity River Navigation Company;" No. 831, "An act to amend 'an act approved August 13, 1870,' incorporating the town of Bremond," and find the same correctly enrolled.

Respectfully,

G. T. HASWELL, Chairman,
GROTHAUS,
POSEY,
SHOEMAKER.

Report accepted.

Enrolled bills signed by the Speaker, Chief Clerk dispatched to the Senate therewith for the signature of the President of the Senate; signed by the President of the Senate, and returned to the House.

11:30 o'CLOCK A. M.

SPECIAL ORDER,

Viz.: The report of the committee on the memorial in relation to Judge Oliver.

Mr. Slaughter moved that the report of the special committee be postponed until 12 M., upon which the yeas and nays were called for and resulted as follows:

Yeas.—Messrs. Abbott of Austin, Richard Allen, Burley, Camp,
H J—49

Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, Hamilton, Harn, Johnson, Kendall, Locke, Lorange, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Young, Youngkin—41.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gant, George, Gaston, Hawkins, Jenkins, Jones, Kyle, Lane, Leonard, Lyons, McLean, Miller, Pierson, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Weaver, York, Zapp—36.

So the reading of the report was postponed.

Mr. Tegener, chairman of the select committee to examine Comptroller's and Treasurer's offices, submitted the following report :

COMMITTEE ROOM, }
Austin, Nov. 29, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The select committee, to whom was referred, on the nineteenth day of October last, the majority and minority reports of the standing committee of the House upon the Comptroller's and Treasurer's offices, together with the resolution for the impeachment of A. Bledsoe, Comptroller of the State of Texas, and which committee was authorized "to send for persons and papers, to take evidence and swear witnesses," have considered the reports referred to them, and in the discharge of their duty, have examined a large number of witnesses, whose evidence is submitted to the House herewith. The necessity of submitting a report to the House by this time, in order that the House might act thereon before the adjournment of the Legislature, has deprived the committee of the desired opportunity to take much more important evidence in this case. The vast extent of this State, and the lack of facilities for speedy communication with different portions thereof, have delayed some witnesses and have prevented us from obtaining others. From the evidence already taken and now submitted to the House, the committee are of opinion that the most of the charges against the Comptroller, embraced in the majority report referred to us, and which is appended hereto, are well founded and can be substantiated before the proper tribunal. This report is as follows:

"COMMITTEE ROOM, }
"Austin, Oct. 19, 1871. }

"Hon. WM. H. SINCLAIR,

"Speaker of the House of Representatives:

"SIR: Your committee appointed to examine into the condition

of the Comptroller's and Treasurer's offices would most respectfully report that they have performed that duty, and after a careful and rigid examination of witnesses, coupled with other evidences of the most substantial character, they feel it imperative upon them to present the charges enumerated below against Comptroller A. Bledsoe.

"It is not the province of your committee to suggest any causes that might actuate—be they good or bad—and it is far from their purpose or desire to attempt to prejudice adversely any one to the actions and motives of the officer in question, but being fully convinced that all these charges can be *substantiated*, they respectfully present them, with appropriate resolutions, and ask of the House that courtesy which the subject and the committee each demand—an *examination*.

"Your committee would represent — 1. That Comptroller A. Bledsoe has used special funds in the Treasury, belonging to counties, for the payment of his own salary and the salaries of others around him, while older salary claims remain unpaid, which is not only a palpable, but dangerous violation of ^{the} ~~law~~.

"2. He has refused to draw his "deposit warrant," authorizing the Treasurer to receive money from sheriffs through their own authorized agents.

"3. He has used his official authority to *compel sheriffs* to pay money into his hands instead of into the Treasury, as the law requires them to do.

"4. He has caused money, thus forced into his own hands, to be used for the payment of warrants in the hands of friends of his own selection.

"5. He has forbidden sheriffs sending drafts to any one but himself, and is in the habit of placing drafts thus forced into his own hand in the hands of private friends for collection, thus taking a legitimate business from other business houses, and concentrating the same in the hands of his chosen friends.

"6. He has drawn of sheriffs in favor of this friend, who was permitted to pay the amount into the Treasury in warrants, when they were at a discount in the market, thereby enabling this friend to use money in sheriffs' hands for speculative purposes, and it certainly must prove fatal to the credit of a State when its chief accountant officer lends his official influence to aid speculation on its paper.

"7. He has extended rights and privileges to some, and denied the same to others, thus practicing a system of favoritism wholly intolerable in a public officer.

"8. He has accumulated money belonging to the State, in his

own hands, or subject to his control outside of the Treasury and has ruled against the redemption of Treasury warrants in any way except under his own dictation, thus affording an opportunity for speculation unequalled in the history of the government.

"By these and other unlawful measures, the Comptroller's office has been used as an engine of favoritism to some and oppression to others, equally to the damage of both public and private interests, and Treasury warrants being under such control are now unnecessarily at a discount of twenty-five per cent.

"Therefore, in view of the premises, and in full justice to the State, the people, and the vindication of the law, your committee most respectfully, but earnestly recommend the adoption of the following resolution, viz.:

"Resolved by the House of Representatives of the State of Texas, That A. Bledsoe, Comptroller of the State of Texas, be impeached, in the name and by the authority of all the people of the State of Texas, of high crimes and misdemeanors in office.

"C. D. MORRIS, Chairman,
L. B. CAMP,
B. F. WILLIAMS,
G. W. SPENCER."

There is considerable evidence submitted upon matters not included in the foregoing report, and to which the committee desire to call attention:

1. By his own admission, Comptroller Bledsoe is guilty of a felony in that he withdrew from the office of the Public Printer of the State, the annual report upon the finances of the State, which he had sent to the Governor, and which had been sent to the Public Printer by the Governor for publication, and which report so withdrawn was then altered to the amount of several hundred thousand dollars, (see Paschal's Digest, article 2391, section 753, *a. Criminal Code*, page 465.)

2. In the case of Brazoria county, where the Sheriff of said county had collected the frontier taxes, at the rate of one third of the occupation tax, in accordance with the instructions of the Comptroller, the Comptroller receipted to the sheriff for only five per cent. upon the gross amount of frontier and occupation taxes, as the frontier tax, and passed *the difference* between five per cent. upon the occupation tax, and one-third of the same to the *occupation tax*, thus crediting the people of Brazoria county with a larger amount than that due them upon occupation taxes, and in effect defrauding the tax payers of that county out of the *difference between five per cent. of the occupation tax and one-third of the same.*

Your committee have been forcibly impressed with this *easy method* of settling accounts, which obviates the necessity of returning to the tax payers moneys due them upon taxes overpaid. The figures on page thirty-six of the printed evidence, which read as follows, are incorrect: "July 26, 1871, E. Kolkow, sheriff Brazoria county: frontier tax, \$3,500 00." The correct figures, according to the manuscript, are \$35 00, in place of \$3,500 00.

3. Under date of August 3, 1871, Comptroller Bledsoe instructed the presiding justice of Fannin county to assess the frontier tax at the rate of five per cent. on every dollar's worth of property. This order was contrary to his printed instructions, and was issued specially by Mr. Bledsoe. The clerk who wrote this letter testified that Mr. Bledsoe did not read this letter before he signed it, and further, that Mr. Bledsoe "is not in the habit of reading letters presented him for signature by me." The House will judge of the responsibility of the Comptroller in this matter, and of the propriety of conducting the business of the State in such a manner.

4. The Comptroller has collected moneys of the State in his own hands, and has kept the same in his own possession for days, if not weeks at a time, instead of causing the same to be deposited in the Treasury of the State.

5. The Comptroller has refused to allow several persons to deposit public money unless they would consent to pay it into the hands of a certain clerk in his office.

6. The Comptroller has refused to be governed by the opinion of the Attorney General of the State, and has openly ridiculed one of his written opinions.

7. He has told one or more sheriffs that he considered a certain act of the Legislature illegal, and that he had not given any instructions regarding the tax provided for in said act.

8. He has been guilty of the grossest nepotism at the expense of the State. One of his sons, employed as an assistant tax clerk, could not do so simple a thing as to add together one-fourth and two-thirds, and the same son declared that twelve and a-half cents constituted one-twelfth of a dollar. Another son, employed in the same capacity, said he could subtract two-thirds from three-fifths. A son-in-law, employed in the same capacity, expressed himself as able to subtract three-fourths from five-sevenths, and both were very indignant that their capacity should be called in question.

9. While Treasury warrants were selling at a discount of twenty-five per cent., he used his official position to collect from the State the *full amount* due several members of the House of Representatives upon their warrants, himself taking said warrants and collecting the money due on them.

10. In the case of his own son-in-law, Thomas Spruance, who sold a pair of horses to Hon. J. P. Butler of this House, Mr. Bledsoe collected the money due Mr. Butler on certain of his warrants, and of the money so collected by him paid over to his said son-in-law the sum of four hundred and fifty dollars. Mr. Bledsoe knew of the sale of the said horses by the said Spruance to the said Hon. J. P. Butler, and he performed his part of the transaction by request of Mr. Butler, at least. At the same time, other members of the Legislature, and the officers and employés of the State government were obliged to sell their warrants at a discount of twenty-five per cent., as they could not obtain *such special favors* from the Comptroller.

The committee might enumerate other cases of gross favoritism and extreme partiality, but will simply call the attention of the House thereto in the printed evidence. From the evidence before them, the committee are of opinion that A. Bledsoe, Comptroller of the State of Texas, be impeached of crimes and misdemeanors in office, and of official misconduct. They, therefore, recommend the adoption of the resolution referred to them, after being amended so that it shall read as follows, viz.:

Resolved, That A. Bledsoe, Comptroller of the State of Texas, be impeached of crimes and misdemeanors in office, and of official misconduct.

The committee are not unmindful of the fact that the impeachment of the Comptroller at so late a day of the session may render it impossible for him to have his trial before the proper tribunal for some months to come; but, believing as they do that his longer continuance in office would be highly detrimental to the best interests of the State, and regarding the interests of the whole people of Texas superior in importance to the interests of a single individual, they are satisfied that the pressing emergencies of the case justify and demand his immediate suspension.

Respectfully submitted,

FRITZ TEGENER, Chairman,
JULIUS SCHUTZE,
F. G. FRANKS,
IRA H. EVANS,
M. KENDALL.

MINORITY REPORT.

SELECT COMMITTEE ROOM, }
Austin, Nov. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : The undersigned, a minority of the select committee appointed to examine into the offices of the Comptroller and Treasurer, dissenting from the conclusions of the majority of said committee, beg leave to submit the following minority report :

We joined in the discharge of the duties imposed on said committee with a great deal of interest, and with a full desire to see a thorough investigation of the whole matter involved, because the very act of raising the committee was to throw suspicion on the manner in which said offices had been conducted. We may here say, however, that from the first sitting of the committee it was made manifest to us that there existed a well formed determination on the part of the majority to confine the investigation, in the main, if not wholly, to the Comptroller's office, and that the investigation would be so conducted as to be nearer a persecution of the Comptroller as a man than a vigorous effort to discover pernicious practices in the office and corrupt acts on the part of the Comptroller, if any such existed ; in other words, the investigation seemed to be conducted as if suggested by, and was hounded on by individuals, actuated by malice, and who had private ends to accomplish, other than to serve the public weal. We heard the examination of the witnesses, a synopsis of whose testimony has been printed and furnished to the House. We say synopsis, because the pamphlet gives a very imperfect idea of what the testimony was ; it is only a part of what was heard, and is warped, distorted and partial, every distortion being made, apparently with the design to cut the Comptroller down, and at the same time to strengthen the pretended case of the private prosecutors.

The testimony on the part of the Comptroller, the party attacked, was not heard by the committee, and, of course, is not embraced in the printed evidence, although it was insisted that the committee should hear and weigh such facts as the Comptroller could produce, in rebuttal of the *swearing* against him ; thus all explanation, any errors or irregularities in the office were shut off, and the House compelled to listen to a mass of stuff called evidence, which in no wise represents the truth of the case.

But, sir, if the action of the House is confined to the testimony printed, still we should unhesitatingly and positively dissent from the report of the majority, because said testimony does not warrant

or justify the recommendation that the Comptroller be impeached for high crimes and misdemeanors.

We submit, as a sound proposition of law, that no officer can be legally or rightfully impeached for any act, a remedy for which can be had in the courts of the country, unless such act is first shown to be not only a violation of law, but also corrupt in intent. No officer is subject to impeachment because of an error of the head, whether it come because of defective judgment or bad advice; there must be involved, also, some bad impulse of the heart. The act, to justify impeachment, must not only be one frowned on by the law, but it must also be condemned by the public virtue—it must stink in the nostrils of all right thinking people.

The whole of the evidence on which the majority report is founded, if admitted to be true in every respect, fails to show the commission of any act violative of law, or corrupt in itself, or even culpable irregularity or error, on the part of the Comptroller; and when that evidence is read by the light of the accompanying statement, to which the parties are ready to swear, whenever permitted so to do, even the apparent irregularities disappear, and the Comptroller stands vindicated as an officer of the highest integrity, standing between the financial interests of the State and the harpies and corrupt officials who seek to prey on the public money.

We think that the animus of this effort to impeach the Comptroller is fully revealed by the partial and evidently one-sided statements of C. R. Johns, J. H. Burns, and Max Maas.

Johns conceives himself injured in his business; Burns was caught speculating in Treasury warrants, or, in other words, receiving a bribe to pay Treasury warrants to others; while Maas was turned out of the office for undertaking to decide grave questions touching the propriety of issuing certain warrants and deciding them contrary to law, as is admitted by every lawyer who has a thimbleful of brains.

If Messrs. C. R. Johns & Co. have a lien upon the revenue of the State, and it is unlawful for it to find its way to the Treasury unless it passes through their hands, then it might be argued with some plausibility, that the Comptroller had committed a wrongful act in making such rulings, in the depleted condition of the Treasury, as to give some opportunity to all creditors of the State, including employes of the departments, the judges, legislators, asylums, and others, to obtain a small portion of the money that is paid in; or if it could be shown that the interests of the State had been injured, then there might be some reason in the objections made and the sullen grumbling of these self-constituted guardians of the public money—we mean the prosecutors in this

matter; but the whole evidence, as printed, fails to give us one act whereby the State has been damaged, or to trace one fraudulent or corrupt emotion or desire to the Comptroller.

If there had been no express law on the subject justifying the Comptroller in ruling that the public money should come directly to his office, yet we believe it would have been competent for him to have made such ruling had he deemed it necessary so to do to protect the public credit—but there is express law for the ruling. (Laws of 1871, page 54, section 28.)

We repeat that the printed evidence fails in facts to bear up the report of the majority. But the few facts given, which give appearance of irregularity or error to the acts of the Comptroller, are swept away by the accompanying statements of Messrs. Raymond & Whitis, clerks in the office acquainted with the facts and the reply of Mr. Bledsoe. We attempted to have the facts here returned submitted to the committee and through the committee brought into the House, but failed by the refusal of the majority to hear them. It will be seen, by looking into them, that the material statements of the witnesses, C. R. Johns and J. H. Burns, are denounced as false by men of integrity and good reputation, while the statement of the witness Maas is shown to be false by transcripts from the books of the office, kept by himself.

If there be anything akin to impeachable matter shown by the evidence, it must in some way be contained in the testimony of the three witnesses above. If their evidence falls to the ground either by its own worthless weight or by full contradiction by reputable witnesses, then unquestionably the charges fall also. We do not think that any candid man can read the evidence on the one side and the other and come to the conclusion that the slurs cast at, and the inferences sought to be drawn against and prejudicial to the Comptroller can possibly be true.

We again refer to the accompanying statements, and make them part of this report.

In view of the facts and circumstances surrounding this matter, we are forced to the conclusion that the best interests of the State do not demand the impeachment of Comptroller Bledsoe, but that, on the contrary, he deserves commendation for the faithful and honest administration of the affairs of his office, being—as we believe he has been—actuated solely by a desire to preserve the public credit, and to further the welfare of the people.

Respectfully submitted,

T. J. CHAMBERS,
J. E. HAWKINS,
Minority.

Mr. Robertson moved that the further consideration of the reports be postponed until to-morrow at 10:30 o'clock A. M.

Mr. Locke moved a call of the House. Call sustained.

Absent—Messrs. Johnson, Miller and Prissick.

Mr. Evans moved a suspension of the call of the House; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, H. R. Allen, Burley, Camp, Cotton, Cox, Davis, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Haswell, Kendall, Locke, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Posey, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—40.

Nays—Messrs. Austin, Booty, Bonner, Chambers, Cole, Dorris, Elam, Ellis, Gant, Gaston, Harn, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Van Noy, Weaver, York, Young, Zapp—38.

So the call was suspended.

The question recurring on the motion of Mr. Robertson to postpone the consideration of the reports the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Austin, Booty, Bonner, Chambers, Cole, Cox, Dorris, Elam, Gant, George, Gaston, Grothaus, Harn, Hawkins, Jenkins, Jones, Kendall, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Slaughter, Stirman, Van Noy, Weaver, York, Young, Zapp—42.

Nays—Messrs. Abbott of Austin, H. R. Allen, Burley, Camp, Cotton, Davis, Dupree, Ellis, Evans, Franks, Gardiner, Hamilton, Haswell, Locke, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Posey, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—36.

So the consideration of the reports was postponed.

By unanimous consent, Mr. R. Williams, chairman of the Committee on Penitentiary, submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Penitentiary, to whom was re-

ferred Senate joint resolution No. 46, "Joint resolution prescribing the duties of the Inspector of the State penitentiary," having carefully considered the same, beg leave to report back and recommend its passage.

Respectfully,

RICHARD WILLIAMS, Chairman,
LANE,
WEAVER,
W. T. SIMMONS,
A. DORRIS,
JOHN MITCHELL,
McD. LORANCE,
A. M. COX.

Senate joint resolution No. 46 was then read and ordered to its third reading; read the third time, passed and its title was agreed to.

Mr. Plumley, chairman of the select committee, to whom was referred a resolution in relation to retaining the Speaker and clerks for the purpose of indexing the journals, etc., after adjournment, submitted the following report:

COMMITTEE ROOM, }
Austin, Nov. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your special committee, to whom was referred simple resolution concerning Speaker and clerks, report the following substitute and recommend its passage:

Resolved, by the House of Representatives of the Twelfth Legislature of the State of Texas, That the Speaker of the House, be and he is hereby authorized and empowered to remain at the Capitol for the purpose of supervising the filing and arranging the records of the House and indexing the journals of the same preparatory to their publication and transfer to the Secretary of State, and that for the purpose of so doing, he is hereby authorized and empowered to appoint and retain the Chief Clerk and as many more as may be necessary, not to exceed four and the Sergeant-at-Arms and one porter, for the carrying out of the purposes of this resolution, said services to be paid for at such rates as are now provided by law and orders regulating the compensation of the officers and employes of this House; provided, such retention and employment shall not exceed thirty days from date of adjournment (December 2, 1871); and provided further, that such services shall be audited by the Comptroller and paid by the Treasurer of the State, out of the appropriation for mileage and per diem of the members, officers

and employes of the Twelfth Legislature when certified to by the Speaker and attested by the Chief Clerk or approved by Secretary of State.

Respectfully,

PLUMLEY,
J. SCHUTZE,
ROBERTSON.

The substitute reported by the committee was then adopted in lieu of the original resolution.

On motion of Mr. Plumley, the resolution was adopted.

REPORTS OF COMMITTEES.

Mr. C. L. Abbott, chairman of the Committee on State Affairs, submitted the following reports :

COMMITTEE ROOM, }
Austin, Nov. 28, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 572, to be entitled "An act for the relief of Luke A. Falvel," having carefully considered the same, beg leave to report back, and recommend its passage.

Respectfully,

C. L. ABBOTT, Chairman,
J. F. MCKEE,
J. W. JOHNSON,
E. L. ROBB,
DUPREE.

Dissenting :

FRITZ TEGENER,
M. A. GASTON.

Senate bill no 572 was then read.

On motion of Mr. Plumley, the rule requiring all bills making appropriations to be considered in a committee of the whole House, was suspended in this case, and the House refused to order Senate bill No. 572 to its third reading.

COMMITTEE ROOM, }
Austin, Nov. 21, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 505, "An act to incorporate the Galveston Paving

Company," beg leave to report the same and recommend its passage.

Very respectfully,

ABBOTT, Chairman,
COX,
McKEE,
ROBB.

Mr. Burley moved to lay Senate bill No. 505 on the table. Lost.

Mr. Burley moved to reject Senate bill No. 505. Lost.

Mr. Johnson moved to amend section one by inserting the names of H. B. Andrews and John J. Hand as incorporators. Lost.

Mr. Plumley moved to insert the name of W. H. Sinclair as one of the incorporators. Lost.

Mr. R. Allen moved to postpone the further consideration of Senate bill No. 505 until to-morrow at 12 o'clock M. Lost.

Mr. Robertson moved to insert the names of A. Dorris and Silas Cotton as incorporators, upon which the yeas and nays were called for and resulted as follows:

Yeas—Mr. Speaker, H. R. Allen, Booty, Camp, Evans, Gardiner, Grothaus, Hamilton, Harn, Jenkins, Johnson, Kendall, Kyle, Lacy, Leonard, Locke, McKee of Guadalupe, McLean, Patten, Plumley, Putnam, Robertson, Schutze, Simmons, Stockbridge, Tinsley, Weaver, Young, Zapp, Zoeller—30.

Nays—Messrs. Richard Allen, Austin, Bonner, Burley, Cole, Cotton, Cox, Dorris, Elam, Ellis, Franks, Gant, George, Gaston, Hawkins, Jones, Lane, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Pierson, Polly, Posey, Rainey, Robb, Robinson, Ross, Schlickum, Schlotman, Self, Shelburne, Sheriff, Shoemaker, Spencer, Stirman, Tegener, Van Noy, Williams of Walker, York, Youngkin—42.

So the amendment was lost.

On motion of Mr. Ellis, the name of Thomas P. Ochiltree was stricken out.

On motion of Mr. Plumley, the House reconsidered the vote just taken.

Mr. McLean moved to lay the amendment offered by Mr. Ellis on the table; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Bonner, Dupree, Elam, Gant, Gardiner, George, Grothaus, Harn, Jones, Lorange, Lyons, McKee of Guadalupe, Miller, Mitchell, Patten, Polly, Rainey, Robb, Robertson, Ross, Schlotman, Schutze, Sheriff, Spencer, Zoeller—25.

Nays—Messrs. Abbott of Austin, Richard Allen, Austin, Booty, Burley, Camp, Cole, Cotton, Dorris, Ellis, Evans, Hamilton, Jen-

kins, Johnson, Kendall, Kyle, Lacy, Lane, Leonard, Locke, Medlock, Morrison, Moore of Harrison, Pierson, Plumley, Putnam, Robinson, Schlickum, Self, Shelburne, Shoemaker, Simmons, Stockbridge, Slaughter, Tegener, Tinsley, Van Noy, Weaver, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp—43.

So the House refused to lay the amendment on the table.

The question recurring "Will the House adopt the amendment to strike out the name of Thomas P. Ochiltree?" The House refused to adopt the amendment.

Senate bill No. 505 was then ordered to its third reading, read the third time and passed by the following vote, the yeas and nays having been called for :

Yeas—Messrs. Abbott of Austin, Richard Allen, Austin, Booty-Burley, Dorris, Dupree, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Haswell, Kendall, Lacy, Lane, Leonard, Locke, McKee of Guadalupe, Medlock, Miller, Morris, Morrison, Patten, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robinson, Ross, Schutze, Self, Shelburne, Shoemaker, Spencer, Stirman, Stockbridge, Tinsley, Weaver, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—49.

Nays—Messrs. Bonner, Camp, Cotton, Elam, Ellis, Evans, Gant, Jenkins, Jones, Johnson, Kyle, Lorange, Lyons, McLean, Mitchell, Moore of Harrison, Posey, Robertson, Schlickum, Schlotman, Sheriff, Simmons, Tegener, Van Noy, York—25.

The title of the bill was agreed to, and the Chief Clerk was dispatched to the Senate returning said bill.

A message was received from the Senate transmitting for the concurrence of the House, Senate bill No. 563, and returning House bill No. 830, passed by the Senate without amendment.

Also, announcing that the Senate had adopted the report of the conference committee on Senate bill No. 405.

COMMITTEE ROOM, }
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on State Affairs, to whom was referred House bill No. 913, to be entitled "An act to incorporate the Lee Fire Company No. 5, of the City of Galveston," having carefully considered the same, beg leave to report back and recommend its passage with the following amendment: In section one, strike out

"one hundred thousand dollars" and insert "twenty thousand dollars."

C. L. ABBOTT, Chairman,
J. F. McKEE,
FRITZ TEGENER,
GASTON,
ROBB.

On motion of Mr. Plumley, the amendment recommended by the committee was adopted, and House bill No. 913 ordered to be engrossed and passed to its third reading.

On motion of Mr. Plumley the rules were further suspended, and House bill No. 913 read the third time, passed, and its title agreed to.

COMMITTEE ROOM,
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 941, to be entitled "An act amendatory of and supplemental to 'an act to establish the Railroad, Real Estate, Building and Savings Association of Texas,' approved May 25, 1871, having carefully considered the same, beg leave to report back, and recommend that it be laid on the table.

Respectfully,

C. L. ABBOTT, Chairman,
J. F. McKEE,
TEGENER,
GASTON.

Dissenting:

ROBB.

On motion of Mr. C. L. Abbott, the report of the committee was adopted and House bill No. 941 laid on the table.

COMMITTEE ROOM,
Austin, Nov. 28, 1871. }

Hon. IRA H. EVANS,

Speaker of the House of Representatives:

SIR: Your Committee on State Affairs, to whom was referred House bill No. 951, to be entitled "An act to establish uniform rates of toll to be charged and collected by proprietors of grist and flour mills in the State of Texas," having carefully considered the same, beg leave to report back, and recommend its passage with the following amendments: In section one, line seven, strike out "one-

fifth" and insert "one-sixth." In section one, line eight, strike out "one-sixth" and insert "one-seventh."

Very respectfully,

C. L. ABBOTT, Chairman,
J. F. McKEE,
E. L. ROBB,
M. A. GASTON,
DUPREE,
COX.

On motion of Mr. C. L. Abbott, the amendments recommended by the committee were adopted and House bill No. 951 ordered to be engrossed and passed to its third reading.

On motion of Mr. C. L. Abbott, the rules were further suspended and House bill No. 951 read the third time, passed and its title agreed to.

The following bills were reported back by the Committee on State Affairs with the recommendation that they do pass: House bill No. 963, to be entitled "An act to incorporate the Wallace Prairie Real Estate Joint Stock Company," was read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Harn, the rules were suspended and House bill No. 963 read the third time, passed and its title agreed to.

House bill No. 909, to be entitled "An act to incorporate the Cosmopolitan Club of the city of Galveston, Texas," was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Evans, the rules were suspended and House bill No. 909 read the third time, passed and its title agreed to.

Mr. Schutze, chairman of the Committee on Education submitted the following report:

COMMITTEE ROOM,
Austin, Nov. 30, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives;

SIR: Your Committee on Education, to whom was referred Senate bill No. 573, to be entitled "An act to prohibit the sale of intoxicating or spirituous liquors within certain limits of Thorpe Springs Male and Female Seminary, in Hood county," having carefully considered the same, beg leave to report back, and recommend its passage.

Respectfully,

J. SCHUTZE, Chairman,
YOUNGKIN,
PLUMLEY,
ROBINSON,
BURLEY,
GARDINER.

Senate bill No. 573 was then read and ordered to its third reading, read the third time, passed, and its title agreed to.

A message was received from the Senate returning House bills Nos. 961, 877 and 895, passed by the Senate without amendment.

Also transmitting for the concurrence of the House Senate bills Nos. 590 and 591.

Mr. Robb moved that the House adjourn until 10 o'clock A. M. to-morrow; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Austin, Bonner, Cotton, Elam, Evans, Gant, Hawkins, Jones, Lacy, Lane, Pierson, Polly, Posey, Putnam, Rainey, Robb, Ross, Self, Stirman, Weaver—20.

Nays—Messrs. H. R. Allen, Richard Allen, Booty, Burley, Camp, Chambers, Cole, Cox, Davis, Dorris, Dupree, Ellis, Franks, Gardiner, George, Gaston, Grothaus, Hamilton, Harn, Jenkins, Johnson, Kendall, Kyle, Leonard, Locke, Lorange, Lyons, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robertson, Robinson, Schlickum, Schlotman, Schutze, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zapp, Zoeller—58.

So the House refused to adjourn,

12 o'clock M.

SPECIAL ORDER,

Viz.: The report of the select committee on the petition of the bar of Waco.

Mr. Slaughter, chairman of said committee, submitted the following majority and minority reports:

COMMITTEE ROOM, }
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee appointed to take under consideration the "memorial of the bar of Waco district," inviting a consideration of the charges against J. W. Oliver, most respectfully report, that after due consideration, they can come to but one conclusion with regard to said "memorial" and charges, and it is their opinion that the same were conceived in political prejudice, and born in that hatred which is engendered by defeat, where a lot of political intriguers attempt to use an officer and fail. Of the whole number of charges preferred against Judge Oliver, amount-

ing to twenty-three, we find nothing but abuse and vituperation. Of course your committee have no time to send for persons or papers referred to as evidence in the charges, but the fact that none of these charges were thought of until after the declaration of martial law in Limestone county, in which Judge Oliver was instrumental, convinces any man that it is only the hatred of political enemies that actuates. This Republican Legislature cannot afford, even though a judge had erred, to listen to but one side of the question, and impeach him. He cannot be impeached by just men without a hearing; and whatever may have been the vote of this House on that question of martial law, in the hearts of the Republicans in the State at large Judge Oliver will ever be esteemed, and the party owes him a debt of gratitude it will not fail to pay.

In consideration of all the premises, your committee recommend that the memorial and subject be laid on the table.

Respectfully,

GEO. W. SLAUGHTER, Chairman,
G. W. PATTEN.

COMMITTEE ROOM,
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: The undersigned, a minority of your committee to whom was referred the memorial of the bar of the Thirty-third Judicial District, asking the impeachment of J. W. Oliver, judge of said district, for high crimes and misdemeanors in office, dissenting from the opinions of the majority, respectfully submit that the charges brought against said Oliver are of the most serious character. It is apparent that he has prostituted his high office and made of it an engine of oppression. He has disregarded the rights of parties litigant in his courts, and has acted in a manner too arbitrary and tyrannical to be longer tolerated in a republican government. His interference with juries and his frequent attempts to control their action is calculated to sap the very foundations of public justice and to rob the tribunals of the country of their proper influence. When we suffer the courts to become corrupt there is an end to the administration of public justice. This man, in disregard of his high prerogative as judge of the district court and of his obligation to the country as a public officer of the law, has sought to set aside the civil and to have substituted military courts in a time of profound peace. The setting aside of the regular venues of juries, and having summoned persons named by himself, is without a parallel in the history of courts. He has so conducted himself as to lose the respect and confidence of the bar, the people of his district, and the people of the whole country.

His own conduct has wholly destroyed his usefulness. We owe it to ourselves and to the country to inquire into these charges. The purity of the bench must be preserved, or as a people we are lost. There is only one course to be pursued; justice demands this; our duty is plain and unmistakable; impeachment is the only remedy to protect the people from these encroachments upon their liberties. With these views, I respectfully submit the following resolution, and recommend its adoption:

Resolved, by the House of Representatives of the State of Texas, That J. W. Oliver, Judge of the Thirty-third Judicial District, be impeached in the name and by the authority of all the people of the State of Texas, of high crimes and misdemeanors in office.

Respectfully,

J. W. ROBERTSON.

The resolution recommended in the minority report was read the first and second times.

Mr. Robertson moved the adoption of the resolution.

Mr. Slaughter moved to lay the resolution on the table; upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, Hamilton, Harn, Johnson, Kendall, Locke, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlötman, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zoeller—32.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gant, George, Gaston, Grothaus, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Sheriff, Simmons, Spencer, Stirman, Tegener, Van Noy, Weaver, York, Young, Zapp—48.

So the House refused to lay the resolution on the table.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, {
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have this day sent to the Governor for his approval, the following bills, to-wit: No. 891, "An act to establish a ferry across the Neches river at Bates's ferry in Cherokee county;" No. 915,

"An act to authorize David Colley, his associates and successors, to construct, own and keep a toll bridge on White Oak Bayou, in Titus county;" No. 925, "An act amendatory of an act entitled 'an act to provide for the organization of the State Lunatic Asylum and for the care and maintenance of the insane,' approved February 5, 1858;" No. 868, "An act to incorporate the Odd Fellows Hall Association of Bryan, Texas;" No. 836, "An act to incorporate the Trinity River Navigation Company;" No. 905, "An act to incorporate the Bryan Manufacturing Company of Texas;" No. 831, "An act to amend an act approved August 13, 1870, incorporating the town of Bremond."

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted.

COMMITTEE ROOM,
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills have carefully examined House bill No. 830, "An act to establish a ferry across the Brazos river, in the counties of Milam and Robertson, at or near the town of Port Sullivan, in Milam county, and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman,
GROTHAUS,
SHOEMAKER,
POSEY.

Report accepted.

The Chief Clerk was dispatched to the Senate, returning Senate bills Nos. 347, 517, 520, 524, 545, 505, 548, 566, 576 and 592, which the House had passed, without amendments.

And transmitting for the concurrence of the Senate, House bill No. 939.

Also, for the signature of the President, enrolled House bills Nos. 831, 836, 868, 891, 925, 905 and 915, which were signed and returned to the House.

Mr. Schutze moved that the consideration of the resolution be postponed until 11:30 o'clock A. M. to-morrow.

Mr. Robertson moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" The main question was ordered.

The main question being on the adoption of the resolution, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Simmons, Spencer, Stirman, Van Noy, Weaver, York, Zapp—42.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zoeller—37.

So the resolution was adopted.

Mr. Evans moved a reconsideration of the vote just taken.

Mr. Booty moved to lay the motion to reconsider on the table, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Grothaus, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Simmons, Spencer, Stirman, Tegener, Van Noy, Weaver, York, Zapp—45.

Nays—Messrs. Abbott of Austin, Richard Allen Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin—35.

So the motion to reconsider was laid on the table.

Mr. Morrison moved that the House adjourn until 3:30 o'clock P. M. ; upon which the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Ellis, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zapp—48.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Chamber

Cole, Elam, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Spencer, Stirman, Van Noy, Weaver, York—39.

So the House at 2 o'clock P. M adjourned.

AFTERNOON SESSION.

3:30 o'Clock P. M.

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Absent, not excused—Mr. Prissick.

A message was received from the Senate, returning to the House House bills Nos. 856, 939, 628, 886, 224, 968, 810, 887, 871 and 790, passed without amendments, and Nos. 523 and 653, passed with amendments.

Mr. Slaughter moved that a select committee of five be appointed to draft articles of impeachment against J. W. Oliver, Judge of the Thirty-third Judicial District.

Mr. Booty moved a call of the House. Call sustained.

Absent, not excused—Messrs. H. R. Allen, Camp, McLean and Prissick.

On motion of Mr. Harn, Mr. McLean was excused under the call of the House.

Mr. Locke moved that the call of the House be suspended.

Yeas and nays called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Cotton, Cox, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Miller, Mitchell, Morris, Morrison, Patten, Robinson, Schlotman, Sheriff, Sheemaker, Stockbridge, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Zapp, Zoeller—33.

Nays—Messrs. H. R. Allen, Austin, Booty, Cole, Elam, Evans, Gant, Gaston, Haswell, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Pierson, Plumley, Polly, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Simmons, Slaughter, Stirman, York, Young—32.

So the call of the House was suspended.

On motion of Mr. Slaughter, the consideration of the motion made by him was postponed for fifteen minutes.

On motion of Mr. Evans, the rules were suspended, Senate bill No. 563, entitled "An act providing for the removal of suits to the Supreme Court where the State is a party, or where the enforcement of any law has been enjoined or stayed," was taken up out of its regular order and read the first time.

On motion of Mr. Grothaus, the rules were suspended and Senate bill No 563 read the second time.

On motion of Mr. Grothaus, the rule requiring all bills on their second reading to be referred to committees was suspended in this case, and Senate bill No. 563 ordered to its third reading.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM, }
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following House bills, to-wit: No. 960, "An act to incorporate the Tyler Tap Railroad Company;" No. 823, "An act to amend section nineteen of 'an act to regulate ferries,' approved January 23, 1850;" No. 888, "An act to incorporate the Northwestern Texas Land Company;" No. 552, "An act further regulating juries;" No. 962, "An act to amend an act entitled 'an act to incorporate the Eastern Texas Railroad Company,' approved January 10, 1860;" No. 895, "An act to amend section thirty-four of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman,
GROTHAUS,
POSEY,
SHOEMAKER.

Report accepted, and the Chief Clerk dispatched to the Senate with the bills reported on by the committee.

Also, enrolled House bill No. 830, for the signature of the President of the Senate, which was signed and returned to the House.

The Chief Clerk also returned to the Senate, Senate bills Nos. 573 and Senate joint resolution No. 46, which the House had passed without amendment.

Mr. Morris moved a further suspension of the rules to put Senate bill No. 563 on its final passage. Lost.

The motion recurring on the motion of Mr. Slaughter to appoint a select committee of five to draft articles of impeachment against J. W. Oliver, Judge of the Thirty-third Judicial District, the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—35.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Spencer, Stirman, Tegener, Van Noy, Weaver, York, Young—40.

So the motion was lost.

Mr. Slaughter moved that a select committee of seven be appointed to draft articles of impeachment against J. W. Oliver, Judge of the Thirty-third Judicial District.

Mr. Morris moved to postpone the further consideration of the subject until 11:30 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zoeller—36.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Tegener, Van Noy, Weaver, York, Zapp—40.

So the motion was lost.

The question recurring on the motion of Mr. Slaughter to appoint a committee of seven to draft articles of impeachment against J. W. Oliver, Judge of the Thirty-third Judicial District.

Mr. Evans moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Simmons, Stirman, Van Noy, Weaver, York, Zapp, Zoeller—39.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Robinson, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin—32.

So the main question was ordered.

A message was received from the Senate, returning House joint resolution No. 43, and transmitting for the concurrence of the House Senate bill No. 495.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following reports :

COMMITTEE ROOM,
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills have presented this day to the Governor for his approval House bill No. 830.

Respectfully,

GEO. T. HASWELL, Chairman,

COMMITTEE ROOM,
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills ask leave to report that they have this day sent to the Governor, for his approval, the following House bills, to-wit: No. 960, "An act to incorporate the Tyler Tap Railroad Company;" No. 823, "An act to amend section nineteen of 'an act to regulate ferries,' approved January 23, 1850;" No. 888, "An act to incorporate the Northwestern Texas Land Company;" No. 552, "An act further regulating juries;" No. 962, "An act to amend an act entitled 'an act to incorporate the Eastern Texas Railroad Company,' approved January 10, 1860;" No. 895, "An act to amend section thirty-four of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870."

Respectfully,

GEO. T. HASWELL, Chairman.

Reports accepted.

The main question being on the adoption of the motion of Mr. Slaughter to appoint a committee of seven to draft articles of impeachment against J. W. Oliver, Judge of the Thirty-third Judicial District, the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, George, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Robinson, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin—30.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Camp, Chambers, Cole, Elam, Evans, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Simmons, Spencer, Stirman, Tegener, Van Noy, Weaver, York, Young, Zapp—42.

So the motion was *lo. c.*

Mr. Slaughter moved that a select committee of three be appointed to draft articles of impeachment against J. W. Oliver, Judge of the Thirty-third Judicial District.

Mr. Evans moved to lay the motion of Mr. Slaughter on the table, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, George, Gaston, Hamilton, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Locke, Lorange, Lyons, Miller, Morris, Morrison, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Robinson, Ross, Schlickum, Schutze, Self, Shelburne, Simmons, Spencer, Stirman, Van Noy, Weaver, York, Young, Zoeller—47.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Harn, Kendall, Medlock, Mitchell, Schlotman, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp—23.

So the motion of Mr. Slaughter was laid on the table.

Mr. Robertson, as a question of privilege, offered the following resolution:

Resolved, That a committee of two be appointed to go to the Senate and at the bar thereof, in the name of the House of Representatives and of all the people of Texas, to impeach J. W. Oliver, Judge of the Thirty-third Judicial District, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives will, in due time, exhibit particular articles of impeach-

ment against him, and make good the same; and that the committee do demand that the Senate take order for the appearance of the said J. W. Oliver to answer said impeachment.

2. That a committee of five be appointed to prepare and report articles of impeachment against J. W. Oliver, Judge of the Thirty-third Judicial District of the State of Texas.

Mr. Robertson moved the previous question on the adoption of the resolution. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The resolution was then read the first and second times.

The question recurring on the adoption of the resolution, the yeas and nays were called for and resulted as follows:

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, Gaston, Haswell, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Schutze, Self, Shelburne, Simmons, Spencer, Stirman, Tegener, Van Noy, Weaver, York, Zapp, Zoeller—43.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Gardiner, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Robinson, Schlotman, Sheriff, Shoemaker, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin—31.

So the resolution was adopted.

The Speaker appointed Messrs. Evans and George to go to the Senate and announce at the bar thereof that the House had adopted a resolution impeaching J. W. Oliver, Judge of the Thirty-third Judicial District, and would in due time exhibit articles of impeachment against him.

The Speaker also appointed Messrs. Plumley, Slaughter, Robertson, Morrison and Grothaus as a committee to draft articles of impeachment against J. W. Oliver, Judge of the Thirty-third Judicial District, under the resolution.

Mr. Haswell, chairman of the Committee on Enrolled Bills submitted the following reports:

COMMITTEE ROOM, }
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined House joint resolution No. 43, "Authorizing the Treasurer of the State of Texas to draw requisition

upon the Comptroller for the purpose of negotiating a temporary loan," and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman.

COMMITTEE ROOM,
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills beg leave to report that they have examined the following House bills, to-wit: No. 628, "An act to authorize and empower the County Court of Burleson county to levy and collect a special tax for the purpose of building a court house and jail;" No. 887, "An act to authorize the late State Treasurer to institute suit against the State of Texas;" No. 961, "An act to incorporate the Bell county Agricultural, Mechanical and Blood Stock Association;" No. 877, "An act to incorporate the Houston Savings Bank;" No. 968, "An act to authorize the city council of the city of Galveston to issue and negotiate the bonds of the city of Galveston, for the purpose of paying the overdue debt of said city, and to improve the streets of said city by grading, shelling, paving and repairing the same, and building culverts and breakwaters, and to create a fund to pay the interest and principal of said bonds," and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman.

Reports accepted, and the Chief Clerk dispatched to the Senate with the bills reported on by the committee for the signature of the President of that body, which were signed and returned to the House.

REPORTS OF COMMITTEES.

Mr. Schutze, chairman of the Committee on Education, submitted the following reports :

COMMITTEE ROOM,
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker House of Representatives :

SIR: Your Committee on Education, to whom was referred House bill No 783, to be entitled "An act to incorporate the Midway Male and Female Academy, of Madison county," having care-

fully considered the same, beg leave to report back, and recommend its passage.

Respectfully,

J. SCHUTZE, Chairman,
PLUMLEY,
YOUNGKIN,
GARDINER,
BURLEY,
EVANS,
COLE,
ELLIS.

House bill No. 783 was then read, and ordered to be engrossed and passed to its third reading.

On motion of Mr. Schutze, the rules were suspended, and House bill No. 783 read the third time, passed, and its title agreed to.

A message was received from the Senate transmitting for the concurrence of the House Senate bill No. 476.

COMMITTEE ROOM, }
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was referred House bill No. 814, to be entitled "An act to incorporate the Gathings Male and Female College," having carefully considered the same, beg leave to report back, and recommend that it do pass.

Respectfully,

J. SCHUTZE, Chairman,
PLUMLEY,
YOUNGKIN,
GARDINER,
BURLEY,
EVANS,
COLE,
ELLIS
SMYTH.

House bill No. 814 was then read and ordered to be engrossed and passed to its third reading.

On motion of Mr. Schutze, the rules were suspended, and House bill No. 814 read the third time, passed, and its title agreed to.

COMMITTEE ROOM, }
Austin, Nov. 24, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Education, to whom was referred

House bill No. 889, to be entitled "An act to incorporate the Mount Enterprise Educational Company, in Rusk county," having carefully considered the same, beg leave to report back, and recommend that it do pass. Respectfully,

J. SCHUTZE, Chairman,
PLUMLEY,
YOUNGKIN,
GARDINER,
BURLEY,
EVANS,

House bill No. 889 was then read and on motion of Mr. Booty it was recommitted to the Committee on Education.

Mr. Schutze moved that the Committee on Education be ordered to return to the House, Senate bill No. 519, and that they be discharged from its further consideration. Carried.

Mr. Schutze raised the point of order, that the bill was then before the House.

The Chair ruled the point of order not well taken.

Messrs. Schutze and Robinson appealed from the decision of the Chair.

A message was received from the Senate, returning House bill No. 652, passed by the Senate without amendment.

Mr. Robertson moved to lay the appeal of Messrs. Schutze and Robinson on the table, upon which the yeas and nays were called for, and resulted as follows:

Yeas—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorance, Lyons, Miller, Pierson, Polly, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Tegener, Van Noy, Weaver, York, Young—37.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Plumley, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller—38

So the House refused to lay the appeal on the table.

Mr. Robertson moved a call of the House. Call sustained.

Absent, not excused—Messrs. H. R. Allen, Camp, Ellis, McLean, Posey and Prissick.

On motion of Mr. Booty, the Sergeant-at-Arms was dispatched for the absentees.

Mr. Morrison moved a suspension of the call.

Mr. Weaver moved that the House adjourn until 10 o'clock A. M. to-morrow; upon which the yeas and nays were called for, and resulted as follows:

Yeas---Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, Miller, Pierson, Polly, Putnam, Rainey, Robb, Ross, Schlickum, Self, Stirman, Van Noy, Weaver, York, Young---34.

Nays---Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Plumley, Robertson, Robinson, Schlotman, Schutze, Shelburne, Sheriff, Shoemaker, Simmons, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Youngkin, Zapp, Zoeller---41.

So the House refused to adjourn.

The question recurring on the motion of Mr. Morrison to suspend the call, the yeas and nays were called for and resulted as follows:

Yeas---Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Jones, Johnson, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Mitchell, Pierson, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlickum, Self, Shelburne, Simmons, Stirman, Van Noy, Weaver, Young, Youngkin---41.

Nays---Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, George, Hamilton, Harn, Haswell, Kendall, Locke, McKee of Guadalupe, Medlock, Morrison, Patten, Plumley, Robinson Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, York, Zapp, Zoeller---34.

So the call was suspended.

Mr. Schutze moved the previous question. Previous question seconded.

The question recurring, "Shall the main question be now put?" the main question was ordered.

The main question being "Shall the decision of the Chair stand as the judgment of the House?" the yeas and nays were called for and resulted as follows:

Yeas---Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Evans, Gant, Gaston, Grothaus, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Plumley, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Simmons, Spencer, Stirman, Van Noy, Weaver, York---40.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Robinson, Schlickum, Schutze, Sheriff, Shoemaker, Slaughter, Stockbridge, Tegener, Tinsley, Williams of Colcrado, Williams of Walker, Young, Youngkin, Zapp, Zoeller—38.

So the decision of the Chair was sustained.

Reports of the Committee on Education resumed:

COMMITTEE ROOM, }
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Education, to whom was referred House bill No. 760, to be entitled "An act prohibiting the sale of intoxicating liquors within one mile of Cedar Male and Female Institute, Grayson county," having carefully considered the same, beg leave to report back, and recommend that it pass without amendment.

Respectfully,

J. SCHUTZE, Chairman,
PLUMLEY,
YOUNGKIN,
GARDINER,
BURLEY,
EVANS,
COLE,
ELLIS.

House bill No. 780 was then read, ordered to be engrossed and passed to its third reading.

COMMITTEE ROOM, }
Austin, Nov. 22, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your committee on Education, to whom was referred House bill No. 756, to be entitled "An act to organize and maintain a system of free school education," having carefully considered the same, beg leave to report back, and recommend that action on

this bill be postponed, in order that the same may be printed, and opportunity be afforded the House for its further consideration.

Respectfully,

J. SCHUTZE, Chairman,
PLUMLEY,
YOUNGKIN,
BURLEY,
EVANS,
COLE,
ELLIS,
SMYTH.

House bill No. 756 was then read, and on motion of Mr. J. F. McKee, it was indefinitely postponed.

Mr. Locke moved a suspension of the rules to take up out of its regular order Senate bill No. 456.

Mr. Booty moved that the House adjourn until 10 o'clock A. M. to-morrow, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Abbott of Austin, Richard Allen, Booty, Bonner, Burley, Cole, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Jenkins, Johnson, Kendall, Kyle, Lacy, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Patten, Rainey, Robertson, Robinson, Schlicknm, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin. Zapp, Zoeller—49.

Nays—Messrs. H. R. Allen, Austin, Chambers, Elam, Evans, Gant, Gaston, Hawkins, Jones, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Polly, Posey, Putnam, Robb, Ross, Self, Shelburne, Simmons, Stirman, Van Noy, Weaver, York—28.

So the House at 6 o'clock P. M. adjourned until 10 o'clock A. M. to-morrow.

HOUSE OF REPRESENTATIVES, }
AUSTIN, TEXAS, Dec. 2, 1871. }

House met pursuant to adjournment. Speaker Sinclair in the chair. Roll called. Quorum present.

Prayer by the Rev. B. A. Rogers.

On motion of Mr. Burley, the reading of yesterday's journal was dispensed with.

The following special message was received from the Governor by the hand of his Private Secretary:

GOVERNOR'S OFFICE, }
Austin, Dec. 1, 1871. }

To the Honorable Senate and House of Representatives of Texas:

GENTLEMEN: I have not thought it proper to return for reconsideration the act entitled "An act amendatory of and supplementary to an act entitled 'an act to encourage the speedy construction of a railway through the State of Texas to the Pacific Ocean,' " passed on the twenty-fourth day of May, 1871, and under the Constitution the same becomes a law after to-day. In my opinion the same objections, in a greater or less degree, lie to this as to the act to which it is amendatory, and I desire that there should be no misapprehension as to change of opinion in this respect on my part. I have herein not exercised the constitutional power of the veto, because these acts have already, on three occasions, when before the Houses, passed by more than a two-thirds majority, and to continue opposition to the will so often expressed by the two Houses would only be an unseemly contest.

This amendatory act is an improvement on the original, in respect that it allows more of the large subsidy to be used to encourage the building of the road through the Indian country, thus furnishing the best excuse for such expenditure by giving some protection to the frontiersman.

On the other hand, the provision in the fifth section, which authorizes a gauge for these roads different from that established by law in this State, is, it seems to me, a very objectionable feature. It looks to the adoption of what is called a narrow gauge for the great Pacific road of the South. I do not believe the Congress of the United States, in making the magnificent grant to aid a Southern Pacific road, intended that we should have a road of less value and lower class than the others to the north of us. The act of Congress, in section twelve, requires the company to complete "*a first class road in all its appointments.*" Texas could secure such a road by adhering to the lawful gauge.

The large donations from the State and the United States, as well as due consideration for the railroad connections and interests of this State and our sister Southern States, warrant us in demanding a first class road, but I greatly fear that said fifth section of this amendatory act will be taken as giving the sanction of Texas to an evasion of the spirit and intent of the act of Congress, and that these donations will be dissipated on an unsatisfactory experiment.

I make these suggestions with all respect for the honorable body which is now closing its official existence.

Very respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.

Mr. Evans moved that a committee of three be appointed, and that the Senate be requested to appoint a like committee of two, to inform his Excellency the Governor that the Twelfth Legislature will this day at 12 o'clock M. adjourn *sine die*, and ask if he has any further communications to make. Carried.

The Speaker appointed Messrs. Evans, Schlotman and Hawkins as the committee on part of the House.

A message was received from the Senate, transmitting the following enrolled Senate bills, viz.: Nos. 79, 158, 292, 347, 376, 455, 465, 490, 494, 506, 517, 520, 524, 532, 543, 545, 573, 576, 579 and 592, and Senate joint resolutions Nos. 46 and 48, which were signed by the Speaker and returned to the Senate.

Also, returning House bill No. 747, passed by that body without amendment.

Mr. Evans, chairman of the select committee appointed under the resolution offered by Mr. Robertson, in relation to the impeachment of J. W. Oliver, Judge of the Thirty-third Judicial District, reported that, in obedience to the order of the House, the committee had proceeded to the bar of the Senate, and in the name of the House of Representatives and of all the people of the State of Texas, had impeached, as they were directed to do, J. W. Oliver, Judge of the Thirty-third Judicial District of the State of Texas, of high crimes and misdemeanors in office, and demanded that the Senate should take order to make him appear before that body to answer for the same, and announced that the House would soon present articles of impeachment, and make them good; to which the response was, "Order shall be taken."

Report accepted.

Mr. Evans, chairman of the select committee to wait on the Governor, reported that they had performed the duty assigned them, and asked to be discharged.

Report accepted and committee discharged.

Mr. Plumley moved a reconsideration of the vote by which the House yesterday evening sustained the decision of the Chair, in relation to Senate bill No. 519, to be entitled "An act to aid the available school fund in placing on a sound and durable foundation, and maintaining a system of public free schools, and to authorize the negotiation of a loan for that purpose."

Mr. Robertson moved to lay the motion to reconsider on the table.

Mr. Booty moved a call of the House. Call sustained.

Absent, not excused—Messrs. Miller and Prissick.

Mr. Burley moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Plumley, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zoeller—42.

Nays—Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Evans, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Pierson, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Van Noy, Weaver, York—36.

So the call of the House was suspended.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following reports :

COMMITTEE ROOM, }
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following House bills, to-wit: No. 886, "An act to incorporate the Capitol City Club of Austin, Texas;" No. 790, "An act to authenticate the records of the County Court of Galveston county, sitting for the settlement of the estates of deceased persons, etc., during the terms of said court holden from and after the first day of July, A. D. 1858, unto the thirtieth day of August, 1864;" No. 871, "An act to incorporate the Colorado and McDade Ferry Company;" No. 939, "An act relative to the approval and payment of claims against the State for repairs, fixtures and furniture of the Governor's mansion and its appurtenances, and for the improvement of the grounds appertaining thereto;" No. 747, "An act authorizing a loan to meet deficiencies

in the revenue of the State;" No. 224, "An act to release James Rodgers from paying State and county, or city occupation tax on the sale of goods, confectioneries and groceries in the State of Texas," and find the same correctly engrossed.

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted.

Enrolled bills signed by the Speaker and sent to the Senate for the signature of the presiding officer of that body, signed by him and returned to the House.

COMMITTEE ROOM, }
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: I have the honor to report that your Committee on Enrolled Bills have carefully examined and compared the following House bills and find them correctly enrolled, to-wit: No. 582, to be entitled "An act to amend section seven, of an act entitled 'an act to incorporate the Texas Banking and Insurance Company,' approved July 1, 1870;" and No. 652, to be entitled "An act for the relief of Edward DeLaney."

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted. Enrolled bills signed by the Speaker, sent to the Senate for the signature of the presiding officer of that body, signed by him and returned to the House.

COMMITTEE ROOM, }
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills, beg leave to report that they have this day sent to the Governor for his approval the following enrolled bills, to-wit: No. 628, to be entitled "An act to authorize and empower the county court of Burleson county, to levy and collect a special tax for the purpose of building a court house and jail;" No. 887, to be entitled "An act to authorize the late State Treasurer to institute suit against the State of Texas;" No. 961, to be entitled "An act to incorporate the Bell county Agricultural, Mechanical and Blood Stock Association;" No. 877, to be entitled "An act to incorporate the Houston Savings Bank;" No. 968, to be entitled "An act to authorize the city council of the city of Galveston, to issue and negotiate the bonds of the city of Galveston for the purpose of paying the overdue debt of said city, and to improve the streets of said city, by grading, shelling, paving and

repairing the same, and building culverts and breakwaters and to create a fund to pay the interest and principal of said bonds."

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted.

COMMITTEE ROOM, }
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following House bills, to-wit: No. 886, to be entitled "An act to incorporate the Capital City Club of Austin, Texas;" No. 790, to be entitled "An act to authenticate the records of the County Court of Galveston county, sitting for the settlement of the estates of deceased persons, etc., during the terms of said court holden from and after the first day of July, A. D. 1858, unto the thirtieth day of August, 1864;" No. 871, to be entitled "An act to incorporate the Colorado and McDade Ferry Company;" No. 989, to be entitled "An act relative to the approval and payment of claims against the State, for repairs, fixtures and furniture of the Governor's mansion and its appurtenances, and for the improvement of the grounds appertaining thereto;" No. 747, to be entitled "An act authorizing a loan to meet deficiencies in the revenue of the State;" No. 224, to be entitled "An act to release James Rodgers from paying State and county or city occupation tax on the sale of goods, confectioneries and groceries, in the State of Texas."

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted.

Mr. McLean moved that the House take a recess until 11:50

A. M.

Mr. McLean moved a call of the House. Call sustained.

Absent, not excused—Messrs. H. R. Allen, Patten, Prissick, Spencer and Zapp.

Mr. Schutze moved a suspension of the call of the House, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Richard Allen, Austin, Burley, Camp, Cole, Cotton, Cox, Davis, Dorris, Elam, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Haswell, Hawkins, Jenkins, Jones, Johnson, Kendall, Kyle, Lacy, Locke, McKee of Guadalupe, McLean, Medlock, Mitchell, Morris, Morrison, Plumley, Posey, Putnam, Robb, Robertson, Robinson, Ross, Schlickum, Schlotman, Schutze, Self, Shelburne, Sheriff, Shoemaker, Slaughter, Stockbridge, Tege-

ner, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, York, Young, Youngkin, Zoeller—57.

Nays—Messrs. Abbott of Austin, Booty, Bonner, Chambers, Dupree, Ellis, Gant, Gaston, Lane, Leonard, Lorance, Lyons, Miller, Moore of Harrison, Pierson, Polly, Simmons, Stirman, Weaver—19.

So the call of the House was suspended.

Mr. Slaughter offered the following protest :

I protest against the action of this House on November 2, compelling me to take my seat, and refusing to permit me to express myself on religious subjects.

I am aware, and have long been familiar with the fact, that no one can differ with the domineering creeds of to-day, or refuse to accept the Bible as God's divine word without being maliciously misrepresented and villainously traduced by those who claim to support it and yet fail to keep some of its commandments. For instance, "Thou shalt not bear false witness." Mr. Speaker, I should not trouble myself or this House to correct any misrepresentations that might be made to my prejudice were it not that on the occasion to which this article refers the House, without fully understanding, I presume, what it was doing, or what I said, saw fit to deprive me of my constitutional and inalienable right to believe as I choose and express myself as I chose, so long as my language is not unparliamentary ; and that action of this House gives some semblance of truth to the articles in the various newspapers of the State. The charges made in this paper—which are a repetition, I am aware, of similar charges from other sources—that I spoke an irreverent word concerning Deity, is an infamous and malicious lie on the part of whomsoever concocted it; and he who repeats or assists to promulgate it, knowing the facts, is a villain and traducer with heart so black that hell should blush to find itself surpassed. Because I cannot believe in a book that tells me, as the Bible does (II. Thess. ii., 11,) that God would send strong delusions to make people believe a lie ; because I cannot believe a book that tells me, in I. Kings, xxii., 23, that God sent a lying spirit to the mouth of all Ahab's prophets, to have him slain at Ramoth Gilead ; because I cannot believe these things of God, I must be lied upon.

Because I cannot believe that God, "with whom there is no variableness, neither shadow of turning" (James, i., 17), repented that he had "made man on the earth and was grieved at heart" (Gen. vi., 6), I must be an atheist, say these wise doctors.

Because I cannot believe that God commissioned Saul in the infamous murder of women and suckling infants (I. Samuel, xv., 3) ; because I cannot believe that God checked the revolution of this earth for Joshua's peculiar claims on murder, when we know so well

what the sudden stopping of a body as large as this world, with its rapidity of movement, would have resulted in, for not only both contending forces, but *all earth*; because I cannot believe that God endorsed Moses when, after the poor Midianites had been routed, horse, foot and dragoon, and even the commanders in war had mercy enough to spare the women and children, he in fury meets the returning victors and commands the murder of every woman that as-known man, and every male among the little ones, but gives to the men the females that have not known man, for themselves (Numbers, xxxi., 17, 18); because I cannot believe these things of God, I am an atheist!

Because I cannot stubbornly refuse to exercise my reason, and blindly accept as still inspirational all that a pompous, bigoted, conceited horde of preachers may dictate; because I cannot cast aside the facts as shown by science, and console myself by fleeing to the black mist that all Bible believers seem satisfied with—*i. e.*, when there is anything so foolish in the Bible that it contains no sense, to exclaim, "How wonderful the word of God, and far beyond our comprehension!" and, worse than all, because I am not the palfrey slave to bow and cringe to what is conceived to be public opinion, though 'tis not—I must be lied upon and abused by a set calling themselves Christians and the advocates of freedom, when in truth they are more tyrannical and dictatorial than the Church of Rome ever was, and would to-day re-enact the days of bloody inquisition, were it in their power.

And now, this much to put at rest the slanders and lies that I have heard from more sources than one. My Bible is *reason*; my revelation, that which is communicated *to me*; my Heaven, the great, great eternity. I have no idea of jumping out of this world into a great big three-ply carpeted Heaven, but the unchanging and unchangeable principles of progression hold good, and many may be the pleasures we may yet know before we reach perfection. My God is all goodness and cannot err; is all powerful, and consequently the Devil never got the upper hand of him sufficiently to render it necessary for Him to stoop to the level of a mortal that a Son might be raised for crucifixion.

I reverence that God so far beyond the comprehension of man that untold ages shall have added the knowledge of other lives to this, we can form no conception of Him; and I look down with contempt but compassion upon the paltry slaves of prejudice, public opinion and puritanical superstition, who, in their self conceit, imagine a substantial God formed like you and me, but which is at the same time inconsistent with the idea that He is every where at once, notwithstanding the fact that He had to send messengers

down to Sodom and Gomorrah to investigate the charges against those places.

I mean, Mr. Speaker, that there is but one belief that any one is justified in endorsing, and that is a belief in the great and rapidly extending views, as advanced by what is known as "Spiritualism."

I don't want to interfere with anybody's religion, and I did think that the late war settled the question that nobody should interfere with mine. I thought *that* the main question at stake, but I find that all puritans who accepted commissions in negro companies are hypocritical, dictatorial frauds, both religiously and politically; and, notwithstanding they then accepted bounties and pay to fight for the principles of liberty, they now endorse that Democracy which once burned witches, and now prohibits an expression against the divinity of a Bible that was made by a convention of priests, and stands branded before the world with thousands of errors acknowledged by the American Bible Society.

These facts existing, I protest against that action of this House which refused to hear my views, and ask that this be spread upon the minutes.

Respectfully,

GEO. H. SLAUGHTER.

A message was received from the Senate by the Secretary, transmitting for the concurrence of the House, Senate bill No. 593, to be entitled "An act for the relief of Hon. Lipscomb Norvall."

Mr. Schutze moved a reconsideration of the vote by which the House on yesterday adopted the resolution offered by Mr. Robertson in relation to the appointment of a committee to inform the Senate that the House of Representatives had impeached J. W. Oliver, Judge of the Thirty-third Judicial District, and a committee to exhibit articles of impeachment against said J. W. Oliver, Judge of the Thirty-third Judicial District.

The question recurring on the motion of Mr. McLean to take a recess until 11:50 A. M., the yeas and nays were called for and resulted as follows:

Yeas---Messrs. H. R. Allen, Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Gant, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McKee of Guadalupe, McLean, Moore of Harrison, Pierson, Polly, Putnam, Rainey, Robertson, Ross, Self, Shelburne, Simmons, Stirman, Van Noy, Weaver, York---35.

Nays---Messrs. Richard Allen, Burley, Camp, Cotton, Cox, Davis, Dorris, Dupree, Evans, Franks, Gardiner, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, Medlock, Miller, Mitchell,

Morris, Morrison, Patten, Plumley, Posey, Robinson, Schlickum, Schlotman, Schutze, Sheriff, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Youngkin, Zoeller—42.

So the House refused to take a recess.

Mr. Robertson moved a call of the House. Call sustained.

Absent, not excused—Messrs. H. R. Allen, Haswell, Prissick and Youngkin.

On motion of Mr. Schutze, the call of the House was suspended.

11 o'clock A. M.

SPECIAL ORDER,

Viz.: The reports of the special committee to investigate the manner of conducting the business of the Comptroller's and Treasurer's offices.

On motion of Mr. Schutze, the consideration of the reports was postponed until the fifteenth day of January next at 11 o'clock A. M.

The question then recurred on the motion of Mr. Robertson to lay on the table the motion of Mr. Plumley to reconsider the vote by which the House yesterday sustained the decision of the Chair in relation to Senate bill No. 519, upon which the yeas and nays were called for and resulted as follows:

Yeas—Messrs. Austin, Booty, Bonner, Camp, Chambers, Cole, Cox, Elam, Ellis, Evans, Franks, Gant, Gardiner, Gaston, Hawkins, Jenkins, Jones, Kyle, Lacy, Lane, Leonard, Lorange, Lyons, McLean, Miller, Pierson, Polly, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlotman, Schutze, Self, Shelburne, Simmons, Slaughter, Stirman, Van Noy, Weaver, York—43.

Nays—Messrs. Abbott of Austin, Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, George, Grothaus, Hamilton, Harn, Johnson, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Patten, Plumley, Robinson, Schlickum, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Tinsley, Williams of Colorado, Williams of Walker, Young, Zapp, Zoeller—35.

So the motion to reconsider was laid on the table.

Mr. Robertson, as a question of privilege, offered the following articles of impeachment against J. W. Oliver, Judge of the Thirty-third Judicial District:

ARTICLES EXHIBITED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF TEXAS, IN THE NAME OF THEMSELVES AND OF ALL THE PEOPLE OF THE STATE OF TEXAS, AGAINST J. W. OLIVER, JUDGE OF THE THIRTY-THIRD JUDICIAL DISTRICT OF THE STATE OF TEXAS, IN THE MAINTENANCE AND SUPPORT OF THEIR ARTICLES OF IMPEACHMENT AGAINST HIM FOR HIGH CRIMES AND MISDEMEANORS.

ARTICLE 1. That the said J. W. Oliver, Judge of the Thirty-third Judicial District of the State of Texas, did, to-wit: on the sixth day of October, A. D. 1871, in the county of Limestone, maliciously and for base and sinister purposes and to induce the Governor of the State by such false and fraudulent representations to declare martial law in the county of Limestone and to suspend the law therein, write to his Excellency E. J. Davis, Governor of the State of Texas, the following letter, to-wit:

STATEMENT OF HON. J. W. OLIVER.

SPRINGFIELD, Texas October 6, 1871.

To His Excellency, E. J. DAVIS, Governor of the State of Texas:

DEAR SIR: I have been here, and have thoroughly, and to my entire satisfaction, investigated the conduct of the rioters of Limestone county, and to give you a detailed account of the outrages would keep me writing for a week. Suffice it to say that I know of nothing in the history of the government that so loudly calls and demands the most severe and summary punishment as the participants in this *hellish mob—hatred malice, murder*, and the complete ruination of Republicans, is the compound.

I can't do the subject justice, and I will say that nothing less than the trial and punishment of at least fifty to one hundred men by a determined court martial, backed by from two to three hundred brave and loyal men, will do any good; and unless this is done, the whole matter will be a farce. The rioters can prove anything they want to, and it is no use to prosecute them in the courts; and even if I were to arrest and try them, I would be compelled to try with jurors equally guilty as the accused, and it would simply be a foolish undertaking.

Now, Governor, I am not excited at all. I mean precisely what I say.

I enclose you some statements of gentlemen, and I will say to you that some of the parties making the statements tell me that they are afraid to tell the whole truth about this matter until they feel that this State is not to be handed over to the enemies of the government.

I am going to stay with these scoundrels, and I commence on to-morrow to arrest some twenty or thirty of the ringleaders; and I will do it, or somebody will get badly hurt. Many of the villains are defiant, but I intend to test their grit before 12 M. to-morrow. Some of the villains are now getting very sorry, since I have created in their minds the certainty of the remedy to be applied to them. They say the good people want peace, and all that; but they also fail to say anything that would protect anybody but themselves. They see it is going to cost something, and they are sorry indeed.

Republicans must be protected, and an example made of this county. There are a few good men, but they are afraid to offer resistance to the mob, which extends from one end of the county to the other.

Martial law and a court composed of men of steel, and two hundred troops—United States troops at that, if they can be had—is the only thing to conquer effectually these outlaws.

Telegraph to me or write, as you prefer, what I am to expect. I will say no more, as I deem it unnecessary.

I send this by Judge Jones, who is one of the board of appeals of this county, and who can give you his experience.

Your's, etc.,

J. W. OLIVER.

That the effect of said letter, so falsely accusing the people of said county, was to induce the Governor of Texas to suspend the laws in said county and to declare martial law, and in pursuance thereof to send a large armed force to said county, and to collect a large sum of money by way of military tax, to-wit: the sum of twenty-five thousand dollars. That by said letter the said Oliver condemned the people of Limestone county unheard, and denounced them as criminals and scoundrels, without a trial, he being at the time Judge of the Thirty-third Judicial District, of which district the said county of Limestone forms a part. That said letter was written in his official capacity as judge of said district.

ART. 2. That said Oliver, disregarding his oath of office and his obligation to the country as a public officer, has failed to hold the courts in the Thirty-third Judicial District, as required by law.

ART. 3 That disregarding his oath of office and his duty as judge under the Constitution and laws of the State, the said Oliver, as judge of said district, has dismissed the venires of juries summoned according to law, and has caused the sheriffs to summon parties whose names were furnished by said Oliver, to the great wrong of the people of said district, and in violation of all law and precedent, to-wit: at the ——— term of the District Court of Limestone county.

ART. 4. That he has caused the imprisonment of persons without bail, wherein they were so entitled under the Constitution and laws of the State of Texas, to-wit: B. B. Clarkson, W. R. Reagan and W. C. Tomlinson.

ART. 5. That by his course as judge of the district court he has subverted the laws he has sworn to enforce, and has arbitrarily and unlawfully removed officers elected by the people, to-wit: the sheriff of Limestone county and the clerk of the District Court of Falls county.

ART. 6. That he has discharged, of his own motion, and without trial, persons indicted for grave offenses in his court, to-wit: Johnson, indicted for murder.

ART. 7. That his course has been subversive of the laws of the country, which he is sworn to support; in violation of the Constitution of our State, which we are sworn to see enforced; and is in direct antagonism to the best interests of society.

ART. 8. That he has committed other wrongs, amounting to high crimes and misdemeanors, which your committee hereafter reserve the right to especially charge against him, and reserve the right at any time to submit further charges than these herein contained, and to render those charges more specific.

On motion of Mr. Robertson, the consideration of the articles of impeachment were postponed until the fifteenth day of January next at 11:30 A. M.

On motion of Mr. Plumley, the rules were suspended to allow the introduction of

RESOLUTIONS.

Mr. Plumley offered the following resolution:

Resolved, That L. J. Gallant, John F. Stokes, H. C. Surghnor and E. E. Bartholomew be allowed pay for fifteen days, from the first to the fifteenth of July, inclusive, for services rendered in indexing and arranging the journal of the House of Representatives of 1871, and that the Comptroller be required to draw his warrant upon the Treasurer to pay the same, upon presentation of the certificate of the Speaker attested by the Chief Clerk.

Resolution read the first and second times, and on motion of Mr. Locke it was adopted.

By unanimous consent, Mr. Stockbridge, chairman of the Committee on Engrossed Bills, submitted the following reports:

COMMITTEE ROOM, }
Austin, Dec. 1, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed Bills ask leave to report that they have carefully examined House bill No. 909, to be entitled "An act to incorporate the Cosmopolitan Club of the city of Galveston, Texas," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Report accepted, and the Chief Clerk dispatched to the Senate with House bill No. 909 for the concurrence of that body.

COMMITTEE ROOM, }
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Engrossed bills ask leave to report that they have carefully examined the following House bills, to-wit: No. 913, to be entitled "An act to incorporate the Lee Fire Engine Company No. 5, of the city of Galveston;" No. 951, to be entitled "An act to establish uniform rates of toll to be charged and collected by proprietors of grist and flour mills in the State of Texas;" and No. 963, entitled "An act to incorporate the Wallace Prairie Real Estate Joint Stock Company," and find the same correctly engrossed.

Respectfully,

C. J. STOCKBRIDGE, Chairman,
J. F. McKEE,
W. G. ROBINSON.

Report accepted, and Chief Clerk dispatched to the Senate for the concurrence of that body to House bills Nos. 913, 951 and 963.

On motion of Mr. Elam, the rules were suspended, House bill No. 653, to be entitled "An act to punish certain offenses committed on Sunday," returned from the Senate with amendments, was taken up out of its regular order, and on motion of Mr. Elam, the House agreed to the following Senate amendments, viz.: Amend section one, in line five, by striking out the words "the Sabbath or;" and strike out in section one the phrase, "the day known as Sunday," and insert "the Lord's Day."

And the Chief Clerk was dispatched to the Senate to inform that body of the action of the House.

Mr. Locke moved a suspension of the rules to take up out of its

regular order Senate bill No. 456, upon which the yeas and nays were called for and resulted as follows :

Yeas---Messrs. Richard Allen, Burley, Cotton, Davis, Dorris, Dupree, Franks, Gardiner, Hamilton, Harn, Kendall, Locke, Medlock, Mitchell, Morris, Morrison, Moore of Harrison, Plumley, Polly, Robinson, Schlickum, Sheriff, Shoemaker, Spencer, Stockbridge, Tegener, Williams of Colorado, Williams of Walker, Zoeller—29.

Nays—Messrs. Austin, Booty, Bonner, Chambers, Cole, Elam, Ellis, Gant, George, Gaston, Jenkins, Jones, Kyle, Lane, Leonard, Lyons, McLean, Miller, Pierson, Posey, Putnam, Rainey, Robb, Robertson, Ross, Schlotman, Self, Shelburne, Simmons, Stirman, Weaver, Youngkin, Zapp—33.

So the rules were not suspended.

A message was received from the Senate returning the following House bills, which that body had passed without amendment, viz : House bills Nos. 242 and 909.

Mr. Robinson offered the following resolution :

WHEREAS, C. W. Coe and L. J. Levin did perform the duties of general committee clerks, and served twenty-two committees from the sixteenth day of September to the ninth day of October, 1871, both inclusive, for which labor they have received no pay; therefore, be it

Resolved, That the Speaker of the House of Representatives be and is hereby authorized to issue unto C. W. Coe and L. J. Levin certificates of payment for twenty-four days' labor, performed as general committee clerks.

Resolution read the first and second times.

Mr. Schutze moved the adoption of the resolution, upon which the yeas and nays were called for, and resulted as follows :

Yeas—Messrs. Abbott of Austin, Richard Allen, Booty, Burley, Camp, Cole, Cox, Davis, Dupree, Gardiner, George, Gaston, Grot-haus, Hamilton, Harn, Jenkins, Kendall, Kyle, McLean, Medlock, Morrison, Patten, Pierson, Plumley, Robinson, Schlotman, Schutze, Shelburne, Shoemaker, Slaughter, Spencer, Stockbridge, Tegener, Tinsley, Van Noy, Williams of Colorado, Williams of Walker, Zapp—38.

Nays—Messrs. Austin, Chambers, Cotton, Dorris, Elam, Ellis, Franks, Gant, Hawkins, Jones, Lane, Leonard, Locke, Lyons, Miller, Mitchell, Moore of Harrison, Polly, Posey, Putnam, Rainey, Robb, Ross, Schlickum, Self, Sheriff, Simmons, Weaver—28.

So the resolution was adopted.

The following special message was received from the Governor, by the hands of his Private Secretary :

GOVERNOR'S MESSAGE.

GOVERNOR'S OFFICE, }
Austin, Texas, Dec. 2, 1871. }

To the Honorable Senate and House of Representatives of the State of Texas :

GENTLEMEN : I have the honor to inform you that the following named bills and resolutions have been received by me and approved, to-wit :

Senate bill No. 4, "An act to incorporate the Island City Gas Company," approved November 17, 1871.

Senate bill No. 212, "An act to incorporate G. M. Johnson Lodge No. 97, Independent Order of Odd Fellows at Starville," approved November 17, 1871.

Senate bill No. 361, "An act to incorporate the Bryan Horticultural Society," approved November 17, 1871.

Senate bill No. 453, "An act to organize and incorporate the Paris and Bonham Tap of the Missouri, Kansas and Texas Railroad," approved November 17, 1871.

Senate bill No. 460, "An act to provide for, and regulate mechanics', contractors', builders' and other liens in the State of Texas," approved November 17, 1871.

Senate bill No. 473, "An act to incorporate the Texas Agricultural, Horticultural, Mechanical and Industrial Association of Waco," approved November 17, 1871.

Senate bill No. 541, "An act to increase the area and enlarge the boundary of Lamar county," approved November 17, 1871.

Senate bill No. 154, "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,'" approved July 2, 1871, approved November 25, 1871.

Senate bill No. 440, "An act to amend the twenty-second section of 'an act to provide for districting the State of Texas into judicial districts,'" approved November 25, 1871.

Senate bill No. 441, "An act to amend the twenty-third section of 'an act prescribing the time of holding the district courts in the several judicial districts in the State,'" approved August 10, 1870," approved November 25, 1871.

Senate bill No. 472, "An act to incorporate the Texas European Steamship and Land Company," approved November 25, 1871.

Senate bill No. 536, "An act to amend an act entitled 'an act to provide for districting the State of Texas into judicial districts,'" approved July 2, 1870," approved November 25, 1871.

Senate bill No. 537, "An act to amend an act entitled 'an act

prescribing the times of holding the district courts in the several judicial districts of the State,' approved August 10, 1870," approved November 25, 1871.

House bill No. 110, "An act to incorporate the Texas Lumber and Manufacturing Company," approved November 25, 1871.

House bill No. 118, "An act to incorporate the Excelsior Real Estate and Building Association," approved November 25, 1871.

House bill No. 171, "An act to incorporate the Hebrew Benevolent Society of Brownsville, in Brownsville, Cameron county, Texas," approved November 25, 1871.

House bill No. 207, "An act to incorporate the Central Texas Agricultural and Mechanical Association," approved November 25, 1871.

House bill No. 273, "An act making an appropriation for printing five hundred copies of the rules reported for the Supreme and District Courts, and five hundred copies of the circular letter of the clerk of the Supreme Court," approved November 25, 1871.

House bill No. 446, "An act to muster into service minute men for the protection of the frontier," approved November 25, 1871.

House bill No. 595, "An act to incorporate the Houston Tannery and Leather Manufacturing Company," approved November 25, 1871.

House bill No. 714, "An act to incorporate the St. Marys Institute," approved November 25, 1871.

House bill No. 748, "An act to incorporate the North Texas Collegiate Institute, at Bonham," approved November 25, 1871.

House bill No. 749, "An act to incorporate the Bryan Real Estate, Building and Joint Stock Association, of Bryan, Texas," approved November 25, 1871."

House bill No. 767, "An act for the relief of Colonel Thomas William Ward," approved November 25, 1871.

House bill No. 773, "An act authorizing the transcription of the surveyor's records of Comanche county," approved November 25, 1871.

House bill No. 798, "An act to incorporate the Victoria Society of Washington county," approved November 25, 1871.

House bill No. 819, "An act to amend 'an act prescribing the times of holding the courts in the several judicial districts in the State,' approved August 18, 1871," approved November 25, 1871.

House bill No. 824, "An act to amend section two hundred and twenty-eight of 'an act prescribing the mode of proceeding in district courts in matters of probate,' approved August 15, 1870," approved November 25, 1871.

House bill No. 833, "An act to incorporate the Round Moun-

tain Educational Company, in Blanco county, Texas," approved November 25, 1871.

House bill No. 840, "An act to incorporate the Casino Society of Yorktown," approved November 25, 1871.

House bill No. 844, "An act to incorporate the Travis County Agricultural, Mechanical and Blood Stock Association," approved November 25, 1871.

House bill No. 866, "An act to encourage the manufacture of cotton and wool in this State," approved November 25, 1871.

House bill No. 876, "An act to authorize the County Court of Wharton county to levy a tax to build a jail at the county seat," approved November 25, 1871.

House bill No. 940, "An act to authorize a special term of the District Court within and for the county of Houston, Third Judicial District, State of Texas," approved November 25, 1871.

Senate bill No. 507, "An act in relation to county bridges," approved November 28, 1871.

Senate bill No. 518, "An act to authorize the County Court of Marion county to issue coupon interest-bearing bonds for the building of a court house and jail for said county, and to levy a tax for the same," approved November 28, 1871.

Senate bill No. 574, "An act to amend an act entitled 'an act to consolidate in one act and amend the several acts incorporating the city of Houston, in Harris county,' passed August 2, 1870," approved November 28, 1871.

House bill No. 815, "An act permanently establishing the county seat of Menard county," approved November 28, 1871.

House bill No. 938, "An act amendatory of section two of 'an act for ceding to the United States jurisdiction of certain lands in this State for public purposes,' approved December 19, 1849," approved November 28, 1871.

House bill No. 785, "An act to incorporate the North Texas Agricultural, Mechanical and Blood Stock Association," approved November 28, 1871.

House bill No. 867, "An act supplementary to an act supplementary to an act supplementary and amendatory of 'an act to regulate railroad companies, approved February 7, 1853,' approved December 19, 1857," approved November 28, 1871.

House joint resolution No. 28, "Joint resolution to defray the expenses of printing the reports of all officers who are required to report to the Governor or the Legislature, by section five of 'an act regulating public printing,' approved August 13, 1870," approved November 29, 1871.

House bill No. 99, "An act to incorporate the Cleburne Cross Timber Railway Company," approved November 29, 1871.

House bill No. 114, "An act to incorporate the Jefferson City Street Railway Company," approved November 29, 1871.

Senate concurrent resolution No. 10, "Concurrent resolution in relation to the appointment of committees to attend the centennial celebration to be held at Philadelphia, Pennsylvania, in the year 1876," approved November 29, 1871.

Senate bill No. 435, "An act to incorporate the town of Dresden, in Navarro county," approved November 29, 1871.

Senate bill No. 446, "An act to authorize the County Court of Galveston county to issue interest bearing bonds for the purpose of funding the present outstanding indebtedness of said county," approved November 29, 1871.

Senate bill No. 489, "An act to incorporate the Texas Live Stock Insurance Company," approved November 29, 1871.

Senate bill No. 496, "An act supplemental to 'an act in relation to the location, survey and return of genuine land certificates,' passed April 25, 1871," approved November 29, 1871.

Senate bill No. 508, "An act amendatory of and supplemental to 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," approved November 29, 1871.

Senate bill No. 511, "An act for the relief of Dillard Cooper," approved November 29, 1871.

Senate bill No. 513, "An act to reorganize the town of Bryan, in Brazos county, Texas, and incorporate said town as the city of Bryan," approved November 29, 1871.

Senate bill No. 515, "An act making an appropriation to defray the printing and contingent expenses of the Twelfth Legislature of the State of Texas," approved November 29, 1871.

Senate bill No. 529, "An act supplementary to and amendatory of an act entitled 'an act to organize and maintain a system of public free schools in the State of Texas,' approved April 24, 1871," approved November 29, 1871.

House bill No. 809, "An act to incorporate the Lone Star Ferry Company," approved November 29, 1871.

House bill No. 838, "An act to amend the third section of 'an act to incorporate the Galveston Bay Dredging Company,' passed June 30, 1870," approved November 29, 1871.

House bill No. 932, "An act to amend section one and to repeal section six of 'an act to authorize county courts to levy a road tax, and to improve roads and bridges,' passed August 4, 1870," approved November 29, 1871.

House bill No. 933, "An act to repeal sections one, two and three of 'an act providing for the payment of the outstanding indebtedness of the several counties,' passed July 21, 1870," approved November 29, 1871.

House bill No. 936, "An act to regulate the practice in the Supreme Court," approved November 29, 1871.

House bill No. 19, "An act to incorporate the Indianola Dredging Company, as herein specified," approved December 1, 1871.

House bill No. 634, "An act to incorporate the Galveston and Eastern Texas Railway Company," approved December 1, 1871.

House bill No. 732, "An act validating certain land certificates," approved December 1, 1871.

House bill No. 787, "An act to incorporate the Arrow Fast Freight and Transportation Company," approved December 1, 1871.

House bill No. 848, "An act authorizing the mayor and board of aldermen of the city of Brenham to dispose of the alleys of said city," approved December 1, 1871.

House bill No. 858, "An act to incorporate the Home Insurance and Trust Company, of Texas," approved December 1, 1871.

House bill No. 869, "An act to incorporate the town of Comanche, in Comanche county, Texas," approved December 1, 1871.

House bill No. 908, "An act to provide for the division of the records in Refugio and Aransas counties, and their transfer to their proper counties," approved December 1, 1871.

House bill No. 931, "An act amendatory of section five of 'an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 22, 1871," approved December 1, 1871.

House bill No. 934, "An act to repeal 'an act to authorize the police courts of counties to levy and collect a special tax for the repair and completion of public buildings,' passed August 5, 1870," approved December 1, 1871.

House bill No. 937, "An act to incorporate the Pecos Irrigating, Manufacturing and Live Stock Company," approved December 1, 1871.

House bill No. 956, "An act to incorporate the Young Men's Irish Benevolent and Literary Association, of Galveston, Texas," approved December 1, 1871.

House bill No. 957, "An act to amend an act entitled 'an act to regulate the times of holding the courts in the Eleventh Judicial District,' approved October 24, 1871," approved December 1, 1871.

Senate bill No. 405, "An act supplementary to the act entitled 'an act to adopt and establish a penal code for the State of Texas,' approved August 28, 1856," approved December 1, 1871.

Senate bill No. 461, "An act making appropriations for the support of the State government for deficiencies for the fiscal year beginning September 1, 1871, and ending August 31, 1872," approved December 1, 1871.

Senate bill No. 465, "An act to amend an act entitled 'an act to incorporate the Island City Real Estate and Homestead Association of Galveston,' " approved December 1, 1871.

Senate bill No. 481, "An act to incorporate the Library Building Association, of Galveston," approved December 1, 1871.

Senate bill No. 526, "An act to amend an act entitled 'an act to amend an act incorporating the City of Jefferson, in Marion county, approved September 11, 1866,' approved August 3, 1870," approved December 1, 1871.

Senate bill No. 535, "An act to amend section number eight of 'an act to amend sections one, two, three, five, six, eleven, twelve, thirteen, fifteen, nineteen and twenty of an act to incorporate the Waco Tap Railroad Company,' " approved December 1, 1871.

Senate bill No. 548, "An act to authorize the county of Calhoun to improve the channel from the Gulf into Matagorda Bay, and to create a bonded debt for that purpose," approved December 1, 1871.

Senate bill No. 553, "An act for the relief of the heirs of N. A. Bonzano, deceased," approved December 1, 1871.

Senate bill No. 566, "An act to authorize and empower the corporate authorities of the town of Palestine to extend the streets and alleys of said town to the exterior limits of the corporation, and to lay out and make new streets and alleys within the limits of said corporation," approved December 1, 1871.

Senate bill No. 558, "An act to incorporate the Jefferson Real Estate, Trust and Dollar Savings Company," approved December 1, 1871.

Senate bill No 578, "An act to incorporate the Dollar Savings Bank of Breuham," approved December 1, 1871.

Senate bill No. 592, "An act to repeal section seven of 'an act to give effect to the several provisions of the Constitution concerning taxes, approved April 22, 1871, as amended by an act amendatory of and supplemental to an act to give effect to the several provisions of the Constitution concerning taxes,' approved April 25, 1871," approved December 1, 1871.

House bill No. 552, "An act further regulating juries," approved December 1, 1871.

House bill No. 823, "An act to amend section nineteen of 'an act to regulate ferries,' approved January 23, 1850," approved December 1, 1871.

House bill No. 831, "An act to amend an act approved August

13, 1870, incorporating the town of Bremond," approved December 1, 1871.

House bill No. 836, "An act to incorporate the Trinity River Navigation Company," approved December 1, 1871.

House bill No. 868, "An act to incorporate the Odd Fellows Hall Association, of Bryan, Texas," approved December 1, 1871.

House bill No. 888, "An act to incorporate the Northwestern Texas Land Company," approved December 1, 1871.

House bill No. 895, "An act to amend section thirty-four of 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,' approved August 13, 1870," approved December 1, 1871.

House bill No. 905, "An act to incorporate the Bryan Manufacturing Company, of Texas," approved December 1, 1871.

House bill No. 960, "An act to incorporate the Tyler Tap Railroad Company," approved December 1, 1871.

House bill No. 962, "An act to amend an act entitled 'an act to incorporate the Eastern Texas Railroad Company,' approved January 10, 1860," approved December 1, 1871.

Senate bill No. 450, "An act to incorporate the Marshall Salamander Fire Company No. 1, of the city of Marshall, Texas," approved December 1, 1871.

Senate bill No. 523, "An act to incorporate the Houston Turn Verein," approved December 1, 1871.

Senate bill No. 562, "An act to incorporate the North Texas Land Company," approved December 1, 1871.

Senate bill No. 565, "An act further prescribing the time of holding the terms of the District Courts in the Eighth Judicial District," approved December 1, 1871.

Senate bill No. 583, "An act to authorize the city council of the city of Austin to levy and collect a special tax for the establishment, support and maintenance of a fire department in said city," approved December 1, 1871.

Senate bill No. 586, "An act to authorize the surveyor of Johnson county to transcribe certain books in his office," approved December 1, 1871.

House bill No. 628, "An act to authorize and empower the County Court of Burleson county to levy and collect a special tax for the purpose of building a court house and jail," approved December 2, 1871.

House bill No. 877, "An act to incorporate the Houston Savings Bank," approved December 2, 1871.

House bill No. 887, "An act to authorize the late State Treasurer to institute suit against the State of Texas," approved December 2, 1871.

House bill No. 915, "An act to authorize David Colley, his associates and successors, to construct, own and keep a toll bridge on White Oak bayou in Titus county," approved December 1, 1871.

House bill No. 925, "An act amendatory of an act entitled 'an act to provide for the organization of the State Lunatic Asylum, and for the care and maintenance of the insane,' approved February 5, 1858," approved December 2, 1871.

House bill No. 939, "An act relative to the approval and payment of claims against the State for repairs, fixtures and furniture of the Governor's mansion," approved December 2, 1871.

House bill No. 961, "An act to incorporate the Bell county Agricultural, Mechanical and Blood Stock Association," approved December 2, 1871.

House bill No. 968, "An act to authorize the city council of the city of Galveston to issue and negotiate the bonds of the city of Galveston for the purpose of paying the overdue debt of said city, and to improve the streets of said city by grading, shelling, paving and repairing the same, and building culverts and breakwaters, and to create a fund to pay the interest and principal of said bonds," approved December 2, 1871.

Senate joint resolution No. 46, "Joint resolution prescribing the duties of the Inspector of the State penitentiary," approved December 2, 1871.

Senate bill No. 292, "An act to incorporate the Southwestern Express and Transportation Company," approved December 2, 1871.

Senate bill No. 517, "An act to incorporate the Cherokee Mining Company," approved December 2, 1871.

Senate bill No. 524, "An act to incorporate the Point Isabel City Company," approved December 2, 1871.

House bill No. 886, "An act to incorporate the Capital City Club, of Austin, Texas," approved December 2, 1871.

House bill No. 582, "An act to amend section seven (7) of an act entitled 'an act to incorporate the Texas Banking and Insurance Company,' approved July 1, 1870," approved December 2, 1871.

House bill No. 652, "An act for the relief of Edward Delaney," approved December 2, 1871.

Respectfully,

EDMUND J. DAVIS, Governor.

Laid over under the rules.

Mr. Haswell, chairman of the Committee on Enrolled Bills submitted the following reports :

COMMITTEE ROOM, }
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills ask leave to report that they have carefully examined House bill No. 909, "An act to incorporate the Cosmopolitan Club of the city of Galveston, Texas," and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman.

COMMITTEE ROOM, }
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following House bills and find the same correctly enrolled: No. 810, "An act concerning private corporations;" and No. 653, "An act to punish certain offenses committed on Sunday." Respectfully,

GEO. T. HASWELL, Chairman.

COMMITTEE ROOM, }
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have carefully examined the following enrolled House bill, to-wit: No. 856, "An act to incorporate the Galveston Saving Bank and Trust Company," and find the same correctly enrolled.

Respectfully,

GEO. T. HASWELL, Chairman.

Reports accepted; enrolled bills sent to the Senate for the signature of the presiding officer of that body, signed by him, and returned to the House.

COMMITTEE ROOM, }
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives:

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval the following enrolled House bill, to-wit: No. 856, "An act to incorporate the Galveston Saving Bank and Trust Company."

Respectfully,

GEO. T. HASWELL, Chairman.

COMMITTEE ROOM,
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor for his approval House bill No. 810, "An act concerning private corporations;" also, House bill No. 653, "An act to punish certain offenses committed on Sunday."

Respectfully,

GEO. T. HASWELL, Chairman.

Reports accepted.

COMMITTEE ROOM,
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR: Your Committee on Enrolled Bills beg leave to report that they have this day sent to the Governor, for his approval, House joint resolution No. 43, "Authorizing the Treasurer of the State of Texas to draw requisition upon the Comptroller for the purpose of negotiating a temporary loan."

Respectfully,

GEO. T. HASWELL, Chairman,

Report accepted.

Mr. Jenkins offered the following resolution :

WHEREAS, The Hon. W. H. Sinclair, since his election to the office of Speaker of the House, having presided over this body with impartiality, and extended due courtesy to each member under the rules of this House; therefore, be it

Resolved by the House, That the thanks of the members of the House of Representatives be and they are hereby tendered to the Speaker for the efficient and impartial manner in which he has discharged his duties.

Resolution read the first and second times, and on motion of Mr. Jenkins it was unanimously adopted.

Mr. Jenkins also offered the following resolution :

WHEREAS, Mr. Ed. Creary, Sergeant-at-Arms of the House of Representatives, having at all times been courteous, and a faithful and efficient officer in the discharge of his duties; therefore be it

Resolved, That the thanks of the members of this House be and they are hereby tendered to him for his impartial and faithful discharge of duties.

Resolution read the first and second times, and, on motion of Mr. Plumley, it was unanimously adopted.

Mr. Harn offered the following resolution :

Resolved, That the clerks of the special committees to re-district the State of Texas into judicial districts, and committee to investigate the papers and vouchers in relation to martial law in Hill and Walker counties, be allowed pay at same rates as regular clerks of this House.

Resolution read the first and second times, and, on motion of Mr. Plumley, it was adopted.

Mr. Slaughter offered the following protest :

I protest against the report of the chairman of the committee preferring charges against J. W. Oliver. The committee has never met and no report is legitimate.

Mr. McLean offered the following resolution :

Resolved by the House of Representatives, That the *Houston Daily Times* be allowed pay for one copy to each member of this House, from November 10 to December 2, inclusive, at seven cents per copy, and this resolution shall be authority for Chief Clerk of the House to draw his warrant for the amount necessary to pay same to the agent thereof.

Resolution read first and second times.

Mr. Robertson moved the adoption of the resolution, upon which the yeas and nays were called for and resulted as follows :

Yeas—Messrs. Austin, Bocty, Bonner, Camp, Cole, Elam, Ellis, Evans, Gant, Gardiner, Gaston, Harn, Hawkins, Jenkins, Jones, Johnson, Kyle, Lane, Leonard, Lyons, McLean, Miller, Morrison, Moore of Harrison, Posey, Putnam, Rainey, Robertson, Schutze, Self, Slaughter, Spencer, Stirman, Tinsley, Weaver, Young—36.

Nays—Messrs. Richard Allen, Burley, Chambers, Cotton, Cox, Davis, Dorris, Dupree, Franks, George, Grothaus, Hamilton, Kendall, Locke, McKee of Guadalupe, Medlock, Mitchell, Morris, Patten, Polly, Schlickum, Schlotman, Sheriff, Shoemaker, Simmons, Tegener, Williams of Colorado, Williams of Walker, Zapp, Zoeller—30.

So the resolution was adopted.

Mr. Slaughter offered the following resolution :

Resolved by the House of Representatives, That the Chief Clerk be and is hereby authorized to issue to J. A. McMillan a certificate at the rate of two dollars per day from the twentieth of September to the second of December, 1871, inclusive, as clerk of the Committee on Finance.

Resolution read the first and second times, and on motion of Mr. Slaughter, it was adopted.

Mr. Evans offered the following resolution :

Resolved, That Rev. B. A. Rogers be paid at the rate of eight dollars per day for his services as Chaplain to this body from the

twelfth day of November last to the second of December, 1871, both days inclusive.

Resolution read the first and second time and on motion of Mr. Evans it was adopted.

Mr. Haswell, chairman of the Committee on Enrolled Bills, submitted the following report :

COMMITTEE ROOM,
Austin, Dec. 2, 1871. }

Hon. WM. H. SINCLAIR,

Speaker of the House of Representatives :

SIR : Your Committee on Enrolled Bills, beg leave to report that they have this day sent to the Governor for his approval the following enrolled bill, to-wit: House bill No. 909, to be entitled "An act to incorporate the Cosmopolitan Club of Galveston, Texas."

Respectfully,

GEO. T. HASWELL, Chairman.

Report accepted.

Mr. Grothaus offered the following resolution :

Resolved, That the Postmaster of the House be required to stay at the Capitol for ten days after the adjournment of the Legislature, to take care of the mail of the members and send the same to their respective postoffices ; and that the Comptroller of Public Accounts be authorized and required to draw his warrant in favor of the said postmaster, to the amount of his regular *per diem*, on certificate of the Speaker and Chief Clerk of the House, countersigned by the Secretary of State, to be paid out of the appropriation for contingent expenses of the Twelfth Legislature.

Resolution read the first and second times, and on motion of Mr. Grothaus it was adopted.

Mr. Camp offered the following resolution :

WHEREAS, Our venerable Doorkeeper, Mr. James Henderson, one of the surviving defenders of the national flag on the heroic field of Buena Vista, has endeared himself to every one by his kind and courteous bearing and faithful discharge of duty as an officer of this body ; therefore, the premises considered,

Resolved, That he, the said James Henderson, is entitled to the thanks of this House, and that the Chief Clerk be required to furnish him with a copy of this preamble and resolution, duly certified and signed.

Resolution read the first and second times, and on motion of Mr. Camp it was unanimously adopted.

The following special message was received from the Governor by the hands of his Private Secretary :

GOVERNOR'S OFFICE, }
Austin, Dec. 2, 1871. }

To the Honorable Senate and House of Representatives, State of Texas:

GENTLEMEN: I have the honor to inform you that I have signed an act entitled "An act authorizing a loan to meet deficiencies in the revenue of the State."

EDMUND J. DAVIS, Governor.

Laid over under the rules.

On motion of Mr. Robertson, the thanks of the House was tendered to the clerks and employés of the House.

On motion of Mr. Slaughter, Mr. Prissick was excused for non-attendance during the past session.

On motion of Mr. Schutze, the journal of the past session was adopted, to include December 2.

The speaker appointed Messrs. Plumley, Schutze and Evans as the committee to act with the committee appointed by the Legislature of Pennsylvania to make arrangements for the centennial celebration of the independence of the United States of America, to be held in the city of Philadelphia, in the year 1876.

Speaker Sinclair then arose and said:

FELLOW REPRESENTATIVES: As the hour draws near when we shall close our labors, and separate many of us forever, custom dictates and inclination leads me to briefly address you.

Upon such an occasion as this the feelings and thoughts that come to the breasts of men who have been so long associated together, and under circumstances of so peculiar and extraordinary a character, are at best but poorly expressed; and perhaps it would be better that nothing were attempted. No matter what may have been our personal or political differences heretofore, at this time nothing of the feelings engendered by the passions of the hour can exist. Let the past be buried, save that which is bright and pleasant to remember in our associations.

Our task has been no easy one, nor has our duty been plainly marked. Called upon to legislate to a new order of things, rendered imperative by the result of the appeal to the sword, we have labored to the close, and now surrender the trust imposed upon us.

It is not my province or intention to speak in vindication of, or plead excuses for, what we may have done or left undone. The warrior at the distance sees how the campaign should have been conducted; how the battle might have been won. So, too, the people see and point out the errors, real or imaginary, we have committed—judging hastily, often unjustly; criticising eagerly, and

often unadvisedly. To them we now surrender our trust, hoping that time will prove that right motives have actuated us, and that our errors will serve as landmarks to guide those who shall follow.

When it is remembered that for ten years this State had been without legislation, and in this decade war, by its stern edict, had uprooted and overturned many of the principles and practices of a people, and that the State was without constitutional or legislative enactment, by which to avoid the immense amount of special legislation which the people have demanded at our hands, to the fair minded the thought must naturally come that our duty has not been plain or our task light.

When it is remembered, too, that most of us came to the work devolving upon us new in political life and inexperienced as legislators, and that we number among us many of those who differed as widely, and have advocated principles as antagonistic as when, but a few years ago, we flew to arms to vindicate them—that by association our differences have ceased and our antipathies vanished, there is at least cause for pride and gratulation.

Our records show that we have not been idle. Since our existence as a legal body, the work we have accomplished is as follows :

At our first session there were introduced and passed, or otherwise disposed of, seven hundred and eighty-six bills, thirty-seven joint resolutions, eight concurrent resolutions, and one hundred and fifty-one simple resolutions. At the next session, five hundred and sixty bills, twenty-nine joint resolutions, thirteen concurrent resolutions, and seventy-five simple resolutions, making a total of one thousand three hundred and forty-six bills, sixty-six joint resolutions, twenty-one concurrent resolutions, and two hundred and twenty-six simple resolutions.

A few words as to our personal and official relations. For the complimentary resolution which you have just adopted unanimously, I heartily thank you; but more earnestly and especially do I desire to thank you for the consideration and respect you have ever shown me, both personally and officially, during the time I have presided over your deliberations.

Called unexpectedly to the Chair, at a time when party feeling ran highest, I found the task one I little comprehended, and the duties such as I was poorly prepared to perform. Having little experience as a legislator, and less knowledge of parliamentary law, I assumed its duties and responsibilities. In whatever degree I have succeeded, I am more indebted to you than to any merit or qualification which I possessed. Not unmindful of the honor conferred, and the responsibilities devolving upon me, I have endeavored to qualify

myself for the position, and prove by so doing, so far as within me lay, my appreciation of your confidence. To be partisan is expected of a presiding officer of a body like this, and to a certain extent authorized by all authors on parliamentary law. Elected by the prevailing party, it is expected that he will so shape his line of action as to advance its principles.

While he is expected to be partisan, he must deal fairly and rule impartially. Where to draw the dividing line is the most difficult task. Majorities are often heartless and imperious. Minorities are usually sensitive and easily offended. It is difficult for a minority to avoid feeling, in defeat, that injustice has been done, no matter how impartial may have been the rulings of the Chair.

While my political opponents may have thought, as has been often intimated, that I have been too partisan to be just, my friends have as often complained that I have been too fair.

At times the course of a presiding officer may seem arbitrary and unjust. In order to successfully dispatch business, to a certain extent this is justifiable and indispensably necessary. But to ascertain and do what was fair has been my most anxious care; to possess entirely your confidence, both individually and collectively, and to preside impartially, has, from the beginning, been my aim. To separate myself and my personal preferences and principles from a faithful and impartial discharge of duty; to have no guide, save as it might be your pleasure to indicate and command; to execute your orders faithfully, and to be the representative of your powers, your proceedings and your dignity, have been my highest ambition.

I know I have not fully developed these just principles, and in parting I only ask that you judge of my success, not in the measure in which I have succeeded, but in charity to the extent it has been my ambition to attain.

Again thanking you for your uniform courtesy and consideration, I declare this House of Representatives of the Twelfth Legislature of the State of Texas adjourned *sine die*.

Attest:

L. J. GALLANT,
Chief Clerk House of Representatives,
Twelfth Legislature State of Texas.

ERRATA.

Page 3, line 21, and wherever else in the Journal "Patton" may occur read "Patten."

Page 41, line 8, strike out the first "and."

Page 46, line 26, for "Manus" read "Manns."

Page 58, line 18, strike out "an act to be entitled."

Page 69, line 15, for "premium" read "provision."

Page 94, line 10, from bottom for "Barden" read "Borden."

Page 103, line 22, strike out "an act to be entitled."

Page 144, line 14, for "778" read "773."

Page 189, line 10 from bottom, for "T. E. Grothaus" read "F. E. Grothaus."

Page 243, line 26, for "521" read "531."

Page 323, line 13 from bottom, for "329" read "339."

Page 341, line 16, strike out "Land."

Page 364, line 1, for "688" read "868."

Page 369, line 8, for "Lacey" read "Lacy."

Page 374, line 8, for "J. R. Locke" read "W. J. Locke."

Page 375, line 16 from bottom, for "J. R. Locke" read "W. J. Locke."

Page 384, line 8, for "T. E. Grothaus" read "F. E. Grothaus."

Page 387, line 8, from bottom, for "Senate" where it last occurs read "House."

Page 393, line 22, for "bill" read "joint resolution."

Page 410, line 13, add "which was read the first time."

Page 414, line 17, insert "not" after "was."

Page 415, line 10, strike out "not" after "was."

Page 446, line 6 from bottom, for "C. A. Abbott" read "C. L. Abbott."

Page 448, line 13, for "C. A. Abbott" read "C. L. Abbott."

Page 448, line 7 from bottom, for "C. A. Abbott" read "C. L. Abbott."

Page 457, line 17, for "10" read "421."

Page 465, line 26, strike out "an act to be entitled."

- Page 472, line 10, for "B. R. Williams" read "B. F. Williams."
- Page 473, line 11, for "House" read "Senate."
- Page 525, line 1, from bottom, for "H. T. Patterson" read "W. T. Patterson."
- Page 553, line 11, for "April 24" read "April 22."
- Page 555, line 14 from bottom, after "690" add "to be entitled an act to repeal an act entitled 'an act to provide for the appointment by the Governor of certain officers to fill vacancies.'"
- Page 613, line 10, after "Eastern" insert "Texas."
- Page 616, line 17 from bottom, for "J. W. Locke" read "W. J. Locke."
- Page 636, line 13, for "757" read "759."
- Page 663, line 16 from bottom, for "Mayor" read "Major."
- Page 667, line 2, for "293" read "273."
- Page 700, line 14, for "879" read "897."
- Page 702, line 4, for "17" read "117."
- Page 736, line 17 from bottom, insert "not."
- Page 754, line 15, for "M. H. Gaston" read "M. A. Gaston."
- Page 757, line 7, for "955" read "965."
- Page 769, line 7, for "937" read "931."
- Page 775, line 6 from bottom, for "550" read "560."
- Page 811, line 22, for "506" read "505."
- Page 836, line 10, for "was" read "were."
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